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# HOUSE BILL No. 1596

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-1-16-42; IC 6-1.1; IC 8-14-9-12; IC 8-22-3-16; IC 12-29; IC 14-27-6-40; IC 14-33-11; IC 16-22; IC 20-46-7-8; IC 20-47-4-6; IC 20-48-1-8; IC 36-3-5-8; IC 36-5-2-11; IC 36-7; IC 36-9; IC 36-10.

**Synopsis:** Referendum for property tax secured debt. Requires lease rentals or bond issues for local capital projects that will cost more than the lesser of: (1) 2% of a political subdivision's total gross certified assessed value; or (2) \$50,000,000; to be approved at a local referendum if the preliminary determination to enter into the lease or issue bonds is made after June 30, 2007. Provides that the petition and remonstrance process applies if the preliminary determination to enter into the lease or issue bonds is made before July 1, 2007. Makes conforming amendments.

**Effective:** July 1, 2007.

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January 23, 2007, read first time and referred to Committee on Ways and Means.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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## HOUSE BILL No. 1596

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A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-1-16-42 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 42. (a) When the  
3 authority, the board of trustees or board of managers of the hospital, the  
4 board of commissioners of the county, and a majority of the county  
5 council have agreed upon the terms and conditions of any lease  
6 proposed to be entered into under section 38 or 39 of this chapter, and  
7 before the final execution of the lease, the county auditor shall give  
8 notice by publication of a public hearing to be held in the county by the  
9 board of commissioners. The hearing shall take place on a day not  
10 earlier than ten (10) days after the publication of the notice. The notice  
11 of the hearing shall be published one (1) time in a newspaper of general  
12 circulation printed in the English language and published in the county.  
13 The notice shall do the following:  
14 (1) Name the day, place, and hour of the hearing.  
15 (2) Set forth a brief summary of the principal terms of the lease  
16 agreed upon, including the character and location of the property  
17 to be leased, the lease rental to be paid, and the number of years



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the contract is to be in effect.

(3) State a location where the proposed lease, drawings, plans, specifications, and estimates may be examined.

The proposed lease and the drawings, plans, specifications, and estimates of construction cost for the building shall be open to inspection by the public during the ten (10) day period and at the hearing. All interested persons shall have a right to be heard at the hearing on the necessity for the execution of the lease and whether the lease rental under the lease is fair and reasonable. The hearing may be adjourned to a later date with the place of the hearing fixed prior to adjournment. Following the hearing, the board of commissioners may either authorize the execution of the lease as originally agreed upon or may make modifications that are agreed upon by the authority, the board of trustees or board of managers of the hospital, and the county council. The authorization shall be by an order that is entered in the official records of the board of commissioners. The lease contract shall be executed on behalf of the county by the board of commissioners.

(b) If the execution of the lease as originally agreed upon or as modified by agreement is authorized, notice of the signing of the lease shall be given on behalf of the county by publication one (1) time in a newspaper of general circulation printed in the English language and published in the county. Except as provided in subsection (d), ten (10) or more taxpayers in the county whose tax rate will be affected by the proposed lease and who may be of the opinion that no necessity exists for the execution of the lease or that the lease rental under the lease is not fair and reasonable may file a petition in the office of the county auditor within thirty (30) days after publication of notice of the execution of the lease that sets forth the taxpayers' objections and facts supporting those objections. Upon the filing of a petition, the county auditor shall immediately certify a copy of the petition together with such other data as may be necessary in order to present the questions involved to the department of local government finance. Upon receipt of the certified petition and information, the department of local government finance shall fix a time and place in the affected county for the hearing of the matter that is not less than five (5) or more than fifteen (15) days after receipt. Notice of the hearing shall be given by the department of local government finance to the board of county commissioners and to the first ten (10) taxpayer petitioners upon the petition by certified mail sent to the addresses listed on the petition at least five (5) days before the date of the hearing.

(c) No action to contest the validity of the lease or to enjoin the performance of any of the terms and conditions of the lease shall be

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1 instituted at any time later than thirty (30) days after publication of  
 2 notice of the execution of the lease, or if an appeal has been taken to  
 3 the department of local government finance, then within thirty (30)  
 4 days after the decision of the department.

5 (d) The authority for taxpayers to object to a proposed lease under  
 6 subsection (b) does not apply if the authority complies with the  
 7 procedures for the issuance of bonds and other evidences of  
 8 indebtedness described in ~~IC 6-1.1-20-3.1~~ and ~~IC 6-1.1-20-3.2~~.  
 9 **IC 6-1.1-20.**

10 SECTION 2. IC 6-1.1-18-3, AS AMENDED BY P.L.2-2006,  
 11 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2007]: Sec. 3. (a) Except as provided in subsection (b), the  
 13 sum of all tax rates for all political subdivisions imposed on tangible  
 14 property within a political subdivision may not exceed:

- 15 (1) forty-one and sixty-seven hundredths cents (\$0.4167) on each  
 16 one hundred dollars (\$100) of assessed valuation in territory  
 17 outside the corporate limits of a city or town; or  
 18 (2) sixty-six and sixty-seven hundredths cents (\$0.6667) on each  
 19 one hundred dollars (\$100) of assessed valuation in territory  
 20 inside the corporate limits of a city or town.

21 (b) The proper officers of a political subdivision shall fix tax rates  
 22 which are sufficient to provide funds for the purposes itemized in this  
 23 subsection. The portion of a tax rate fixed by a political subdivision  
 24 shall not be considered in computing the tax rate limits prescribed in  
 25 subsection (a) if that portion is to be used for one (1) of the following  
 26 purposes:

- 27 (1) To pay the principal or interest on a funding, refunding, or  
 28 judgment funding obligation of the political subdivision.  
 29 (2) To pay the principal or interest on an outstanding obligation  
 30 issued by the political subdivision if notice of the sale of the  
 31 obligation was published before March 9, 1937.  
 32 (3) To pay the principal or interest upon:  
 33 (A) an obligation issued by the political subdivision to meet an  
 34 emergency which results from a flood, fire, pestilence, war, or  
 35 any other major disaster; or  
 36 (B) a note issued under IC 36-2-6-18, IC 36-3-4-22,  
 37 IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or county  
 38 to acquire necessary equipment or facilities for municipal or  
 39 county government.  
 40 (4) To pay the principal or interest upon an obligation issued in  
 41 the manner provided in:  
 42 (A) IC 6-1.1-20-3 (before its repeal); or

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- 1 (B) IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2 (in the case of a
- 2 preliminary determination made before July 1, 2007, to
- 3 issue bonds or enter into a lease); or
- 4 (C) IC 6-1.1-20-3.5 through IC 6-1.1-20-3.6 (in the case of
- 5 a preliminary determination made after June 30, 2007, to
- 6 issue bonds or enter into a lease).

- 7 (5) To pay a judgment rendered against the political subdivision.
- 8 (6) To meet the requirements of the family and children's fund for
- 9 child services (as defined in IC 12-19-7-1).
- 10 (7) To meet the requirements of the county hospital care for the
- 11 indigent fund.
- 12 (8) To meet the requirements of the children's psychiatric
- 13 residential treatment services fund for children's psychiatric
- 14 residential treatment services (as defined in IC 12-19-7.5-1).

15 (c) Except as otherwise provided in IC 6-1.1-19, IC 6-1.1-18.5,  
 16 IC 20-45, or IC 20-46, a county board of tax adjustment, a county  
 17 auditor, or the department of local government finance may review the  
 18 portion of a tax rate described in subsection (b) only to determine if it  
 19 exceeds the portion actually needed to provide for one (1) of the  
 20 purposes itemized in that subsection.

21 SECTION 3. IC 6-1.1-18.5-8 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) The ad valorem  
 23 property tax levy limits imposed by section 3 of this chapter do not  
 24 apply to ad valorem property taxes imposed by a civil taxing unit if the  
 25 civil taxing unit is committed to levy the taxes to pay or fund either:

- 26 (1) bonded indebtedness; or
- 27 (2) lease rentals under a lease with an original term of at least five
- 28 (5) years.

29 (b) A civil taxing unit must file a petition requesting approval from  
 30 the department of local government finance to incur bonded  
 31 indebtedness or execute a lease with an original term of at least five (5)  
 32 years not later than twenty-four (24) months after the first date of  
 33 publication of notice of a preliminary determination under  
 34 ~~IC 6-1.1-20-3.1(2)~~; **IC 6-1.1-20-3.1(b)(2) or IC 6-1.1-20-3.5(b)(2)**,  
 35 **whichever is applicable**, unless the civil taxing unit demonstrates that  
 36 a longer period is reasonable in light of the civil taxing unit's facts and  
 37 circumstances. A civil taxing unit must obtain approval from the  
 38 department of local government finance before the civil taxing unit  
 39 may:

- 40 (1) incur the bonded indebtedness; or
- 41 (2) enter into the lease.

42 The department of local government finance may seek

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1 recommendations from the local government tax control board  
 2 established by section 11 of this chapter when determining whether to  
 3 authorize incurring the bonded indebtedness or the execution of the  
 4 lease.

5 (c) The department of local government finance shall render a  
 6 decision within three (3) months after the date it receives a request for  
 7 approval under subsection (b). However, the department of local  
 8 government finance may extend this three (3) month period by an  
 9 additional three (3) months if, at least ten (10) days before the end of  
 10 the original three (3) month period, the department sends notice of the  
 11 extension to the executive officer of the civil taxing unit. A civil taxing  
 12 unit may petition for judicial review of the final determination of the  
 13 department of local government finance under this section. The petition  
 14 must be filed in the tax court not more than forty-five (45) days after  
 15 the department enters its order under this section.

16 (d) A civil taxing unit does not need approval under subsection (b)  
 17 to obtain temporary loans made in anticipation of and to be paid from  
 18 current revenues of the civil taxing unit actually levied and in the  
 19 course of collection for the fiscal year in which the loans are made.

20 (e) For purposes of computing the ad valorem property tax levy  
 21 limits imposed on a civil taxing unit by section 3 of this chapter, the  
 22 civil taxing unit's ad valorem property tax levy for a calendar year does  
 23 not include that part of its levy that is committed to fund or pay bond  
 24 indebtedness or lease rentals with an original term of five (5) years in  
 25 subsection (a).

26 (f) A taxpayer may petition for judicial review of the final  
 27 determination of the department of local government finance under this  
 28 section. The petition must be filed in the tax court not more than thirty  
 29 (30) days after the department enters its order under this section.

30 SECTION 4. IC 6-1.1-20-1.1, AS AMENDED BY P.L.2-2006,  
 31 SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2007]: Sec. 1.1. As used in this chapter, "controlled project"  
 33 means any project financed by bonds or a lease, except for the  
 34 following:

35 (1) A project for which the political subdivision reasonably  
 36 expects to pay:

- 37 (A) debt service; or
- 38 (B) lease rentals;

39 from funds other than property taxes that are exempt from the  
 40 levy limitations of IC 6-1.1-18.5 or IC 20-45-3. A project is not a  
 41 controlled project even though the political subdivision has  
 42 pledged to levy property taxes to pay the debt service or lease

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- 1 rentals if those other funds are insufficient.
- 2 (2) A project that will not cost the political subdivision more than
- 3 ~~two million dollars (\$2,000,000); the lesser of:~~
- 4 (A) two percent (2%) of the political subdivision's total
- 5 gross certified assessed value; or
- 6 (B) fifty million dollars (\$50,000,000).
- 7 (3) A project that is being refinanced for the purpose of providing
- 8 gross or net present value savings to taxpayers.
- 9 (4) A project for which bonds were issued or leases were entered
- 10 into before January 1, 1996, or where the state board of tax
- 11 commissioners has approved the issuance of bonds or the
- 12 execution of leases before January 1, 1996.
- 13 (5) A project that is required by a court order holding that a
- 14 federal law mandates the project.

15 SECTION 5. IC 6-1.1-20-3.1, AS AMENDED BY P.L.2-2006,  
 16 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2007]: Sec. 3.1. (a) **This section applies only to a controlled**  
 18 **project for which the proper officers of a political subdivision**  
 19 **make a preliminary determination before July 1, 2007, to issue**  
 20 **bonds or enter into a lease.**

21 (b) A political subdivision may not impose property taxes to pay  
 22 debt service or lease rentals without completing the following  
 23 procedures:

- 24 (1) The proper officers of a political subdivision shall:
  - 25 (A) publish notice in accordance with IC 5-3-1; and
  - 26 (B) send notice by first class mail to any organization that
  - 27 delivers to the officers, before January 1 of that year, an annual
  - 28 written request for such notices;
  - 29 of any meeting to consider adoption of a resolution or an
  - 30 ordinance making a preliminary determination to issue bonds or
  - 31 enter into a lease and shall conduct a public hearing on a
  - 32 preliminary determination before adoption of the resolution or
  - 33 ordinance.
- 34 (2) When the proper officers of a political subdivision make a
- 35 preliminary determination to issue bonds or enter into a lease, the
- 36 officers shall give notice of the preliminary determination by:
  - 37 (A) publication in accordance with IC 5-3-1; and
  - 38 (B) first class mail to the organizations described in
  - 39 subdivision (1)(B).
- 40 (3) A notice under subdivision (2) of the preliminary
- 41 determination of the political subdivision to issue bonds or enter
- 42 into a lease must include the following information:

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- 1 (A) The maximum term of the bonds or lease.
- 2 (B) The maximum principal amount of the bonds or the
- 3 maximum lease rental for the lease.
- 4 (C) The estimated interest rates that will be paid and the total
- 5 interest costs associated with the bonds or lease.
- 6 (D) The purpose of the bonds or lease.
- 7 (E) A statement that any owners of real property within the
- 8 political subdivision who want to initiate a petition and
- 9 remonstrance process against the proposed debt service or
- 10 lease payments must file a petition that complies with
- 11 subdivisions (4) and (5) not later than thirty (30) days after
- 12 publication in accordance with IC 5-3-1.
- 13 (F) With respect to bonds issued or a lease entered into to
- 14 open:
- 15 (i) a new school facility; or
- 16 (ii) an existing facility that has not been used for at least
- 17 three (3) years and that is being reopened to provide
- 18 additional classroom space;
- 19 the estimated costs the school corporation expects to incur
- 20 annually to operate the facility.
- 21 (G) A statement of whether the school corporation expects to
- 22 appeal for a new facility adjustment (as defined in
- 23 IC 20-45-1-16) for an increased maximum permissible tuition
- 24 support levy to pay the estimated costs described in clause (F).
- 25 (4) After notice is given, a petition requesting the application of
- 26 a petition and remonstrance process may be filed by the lesser of:
- 27 (A) one hundred (100) owners of real property within the
- 28 political subdivision; or
- 29 (B) five percent (5%) of the owners of real property within the
- 30 political subdivision.
- 31 (5) The state board of accounts shall design and, upon request by
- 32 the county auditor, deliver to the county auditor or the county
- 33 auditor's designated printer the petition forms to be used solely in
- 34 the petition process described in this section. The county auditor
- 35 shall issue to an owner or owners of real property within the
- 36 political subdivision the number of petition forms requested by
- 37 the owner or owners. Each form must be accompanied by
- 38 instructions detailing the requirements that:
- 39 (A) the carrier and signers must be owners of real property;
- 40 (B) the carrier must be a signatory on at least one (1) petition;
- 41 (C) after the signatures have been collected, the carrier must
- 42 swear or affirm before a notary public that the carrier

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1           witnessed each signature; and  
2           (D) govern the closing date for the petition period.  
3       Persons requesting forms may not be required to identify  
4       themselves and may be allowed to pick up additional copies to  
5       distribute to other property owners.  
6       (6) Each petition must be verified under oath by at least one (1)  
7       qualified petitioner in a manner prescribed by the state board of  
8       accounts before the petition is filed with the county auditor under  
9       subdivision (7).  
10      (7) Each petition must be filed with the county auditor not more  
11      than thirty (30) days after publication under subdivision (2) of the  
12      notice of the preliminary determination.  
13      (8) The county auditor must file a certificate and each petition  
14      with:  
15           (A) the township trustee, if the political subdivision is a  
16           township, who shall present the petition or petitions to the  
17           township board; or  
18           (B) the body that has the authority to authorize the issuance of  
19           the bonds or the execution of a lease, if the political  
20           subdivision is not a township;  
21      within fifteen (15) business days of the filing of the petition  
22      requesting a petition and remonstrance process. The certificate  
23      must state the number of petitioners that are owners of real  
24      property within the political subdivision.  
25      If a sufficient petition requesting a petition and remonstrance process  
26      is not filed by owners of real property as set forth in this section, the  
27      political subdivision may issue bonds or enter into a lease by following  
28      the provisions of law relating to the bonds to be issued or lease to be  
29      entered into.  
30      SECTION 6. IC 6-1.1-20-3.2, AS AMENDED BY P.L.2-2006,  
31      SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
32      JULY 1, 2007]: Sec. 3.2. **(a) This section applies only to a controlled  
33      project for which the proper officers of a political subdivision  
34      make a preliminary determination before July 1, 2007, to issue  
35      bonds or enter into a lease.**  
36      **(b)** If a sufficient petition requesting the application of a petition  
37      and remonstrance process has been filed as set forth in section 3.1 of  
38      this chapter, a political subdivision may not impose property taxes to  
39      pay debt service or lease rentals without completing the following  
40      procedures:  
41           (1) The proper officers of the political subdivision shall give  
42           notice of the applicability of the petition and remonstrance

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1 process by:

2 (A) publication in accordance with IC 5-3-1; and

3 (B) first class mail to the organizations described in ~~section~~  
4 ~~3.1(1)(B)~~ **section 3.1(b)(1)(B)** of this chapter.

5 A notice under this subdivision must include a statement that any  
6 owners of real property within the political subdivision who want  
7 to petition in favor of or remonstrate against the proposed debt  
8 service or lease payments must file petitions and remonstrances  
9 in compliance with subdivisions (2) through (4) not earlier than  
10 thirty (30) days or later than sixty (60) days after publication in  
11 accordance with IC 5-3-1.

12 (2) Not earlier than thirty (30) days or later than sixty (60) days  
13 after the notice under subdivision (1) is given:

14 (A) petitions (described in subdivision (3)) in favor of the  
15 bonds or lease; and

16 (B) remonstrances (described in subdivision (3)) against the  
17 bonds or lease;

18 may be filed by an owner or owners of real property within the  
19 political subdivision. Each signature on a petition must be dated,  
20 and the date of signature may not be before the date on which the  
21 petition and remonstrance forms may be issued under subdivision  
22 (3). A petition described in clause (A) or a remonstrance  
23 described in clause (B) must be verified in compliance with  
24 subdivision (4) before the petition or remonstrance is filed with  
25 the county auditor under subdivision (4).

26 (3) The state board of accounts shall design and, upon request by  
27 the county auditor, deliver to the county auditor or the county  
28 auditor's designated printer the petition and remonstrance forms  
29 to be used solely in the petition and remonstrance process  
30 described in this section. The county auditor shall issue to an  
31 owner or owners of real property within the political subdivision  
32 the number of petition or remonstrance forms requested by the  
33 owner or owners. Each form must be accompanied by instructions  
34 detailing the requirements that:

35 (A) the carrier and signers must be owners of real property;

36 (B) the carrier must be a signatory on at least one (1) petition;

37 (C) after the signatures have been collected, the carrier must  
38 swear or affirm before a notary public that the carrier  
39 witnessed each signature;

40 (D) govern the closing date for the petition and remonstrance  
41 period; and

42 (E) apply to the carrier under section 10 of this chapter.

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1 Persons requesting forms may not be required to identify  
 2 themselves and may be allowed to pick up additional copies to  
 3 distribute to other property owners. The county auditor may not  
 4 issue a petition or remonstrance form earlier than twenty-nine  
 5 (29) days after the notice is given under subdivision (1). The  
 6 county auditor shall certify the date of issuance on each petition  
 7 or remonstrance form that is distributed under this subdivision.  
 8 (4) The petitions and remonstrances must be verified in the  
 9 manner prescribed by the state board of accounts and filed with  
 10 the county auditor within the sixty (60) day period described in  
 11 subdivision (2) in the manner set forth in section 3.1 of this  
 12 chapter relating to requests for a petition and remonstrance  
 13 process.  
 14 (5) The county auditor must file a certificate and the petition or  
 15 remonstrance with the body of the political subdivision charged  
 16 with issuing bonds or entering into leases within fifteen (15)  
 17 business days of the filing of a petition or remonstrance under  
 18 subdivision (4), whichever applies, containing ten thousand  
 19 (10,000) signatures or less. The county auditor may take an  
 20 additional five (5) days to review and certify the petition or  
 21 remonstrance for each additional five thousand (5,000) signatures  
 22 up to a maximum of sixty (60) days. The certificate must state the  
 23 number of petitioners and remonstrators that are owners of real  
 24 property within the political subdivision.  
 25 (6) If a greater number of owners of real property within the  
 26 political subdivision sign a remonstrance than the number that  
 27 signed a petition, the bonds petitioned for may not be issued or  
 28 the lease petitioned for may not be entered into. The proper  
 29 officers of the political subdivision may not make a preliminary  
 30 determination to issue bonds or enter into a lease for the  
 31 controlled project defeated by the petition and remonstrance  
 32 process under this section or any other controlled project that is  
 33 not substantially different within one (1) year after the date of the  
 34 county auditor's certificate under subdivision (5). Withdrawal of  
 35 a petition carries the same consequences as a defeat of the  
 36 petition.  
 37 (7) After a political subdivision has gone through the petition and  
 38 remonstrance process set forth in this section, the political  
 39 subdivision is not required to follow any other remonstrance or  
 40 objection procedures under any other law (including section 5 of  
 41 this chapter) relating to bonds or leases designed to protect  
 42 owners of real property within the political subdivision from the

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1 imposition of property taxes to pay debt service or lease rentals.  
2 However, the political subdivision must still receive the approval  
3 of the department of local government finance required by:

- 4 (A) IC 6-1.1-18.5-8; or
- 5 (B) IC 20-46-7-8, IC 20-46-7-9, and IC 20-46-7-10.

6 SECTION 7. IC 6-1.1-20-3.5 IS ADDED TO THE INDIANA  
7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2007]: **Sec. 3.5. (a) This section applies only**  
9 **to a controlled project for which the proper officers of a political**  
10 **subdivision make a preliminary determination after June 30, 2007,**  
11 **to issue bonds or enter into a lease.**

12 (b) A political subdivision may not impose property taxes to pay  
13 debt service or lease rentals without completing the following  
14 procedures:

- 15 (1) The proper officers of a political subdivision shall:
  - 16 (A) publish notice in accordance with IC 5-3-1; and
  - 17 (B) send notice by first class mail to any organization that
  - 18 delivers to the officers, before January 1 of that year, an
  - 19 annual written request for notices;
  - 20 of any meeting to consider the adoption of an ordinance or a
  - 21 resolution making a preliminary determination to issue bonds
  - 22 or enter into a lease and shall conduct a public hearing on a
  - 23 preliminary determination before adoption of the ordinance
  - 24 or resolution.
- 25 (2) Whenever the proper officers of a political subdivision
- 26 make a preliminary determination to issue bonds or enter into
- 27 a lease, the officers shall give notice of the preliminary
- 28 determination by:
  - 29 (A) publication in accordance with IC 5-3-1; and
  - 30 (B) first class mail to the organizations described in
  - 31 subdivision (1)(B).
- 32 (3) A notice under subdivision (2) of the preliminary
- 33 determination of the political subdivision to issue bonds or
- 34 enter into a lease must include the following information:
  - 35 (A) The maximum term of the bonds or lease.
  - 36 (B) The maximum principal amount of the bonds or the
  - 37 maximum lease rental for the lease.
  - 38 (C) The estimated interest rates that will be paid and the
  - 39 total interest costs associated with the bonds or lease.
  - 40 (D) The purpose of the bonds or lease.
  - 41 (E) A statement that the proposed debt service or lease
  - 42 payments must be approved in an election on a local public

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question held under section 3.6 of this chapter.

(F) With respect to bonds issued or a lease entered into to open:

- (i) a new school facility; or
- (ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;

the estimated costs the school corporation expects to annually incur to operate the facility.

(G) A statement of whether the school corporation expects to appeal for a new facility adjustment (as defined in IC 20-45-1-16) for an increased maximum permissible tuition support levy to pay any estimated costs described in clause (F).

SECTION 8. IC 6-1.1-20-3.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3.6. (a) This section applies only to a controlled project for which the proper officers of a political subdivision make a preliminary determination after June 30, 2007, to issue bonds or enter into a lease.

(b) A political subdivision may not impose property taxes to pay debt service or lease rentals unless the political subdivision's proposed debt service or lease rental is approved in an election on a local public question held under this section.

(c) The following question shall be submitted to the voters at the election conducted under this section:

"Shall \_\_\_\_\_ (insert the name of the political subdivision) issue bonds or enter into a lease to finance \_\_\_\_\_ (insert the name of the controlled project)?"

(d) The county auditor shall certify the public question described in subsection (c) under IC 3-10-9-3 to the county election board of the county that contains the greatest percentage of population of the political subdivision. After the public question is certified, the public question shall be placed on the ballot at the next primary or general election in which all voters of the political subdivision are entitled to vote.

(e) The circuit court clerk shall certify the results of the public question to the following:

- (1) The county auditor of each county in which the political subdivision is located.
- (2) The department of local government finance.

(f) If a majority of the voters voting on the public question vote

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1 **in favor of the public question, the department of local government**  
2 **finance shall take prompt and appropriate steps to notify the**  
3 **political subdivision that the political subdivision may issue the**  
4 **proposed bonds or enter into the proposed lease rental.**

5 **(g) If a majority of the voters voting on the public question vote**  
6 **in opposition to the public question, both of the following apply:**

7 **(1) The political subdivision may not issue the proposed bonds**  
8 **or enter into the proposed lease rental.**

9 **(2) Another public question under this section on the same or**  
10 **a substantially similar project may not be submitted to the**  
11 **voters earlier than one (1) year after the date of the election.**

12 **(h) IC 3, to the extent not inconsistent with this section, applies**  
13 **to an election held under this section.**

14 SECTION 9. IC 6-1.1-20-9 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) When the proper  
16 officers of a political subdivision decide to issue bonds payable from  
17 property taxes to finance a public improvement, they shall adopt an  
18 ordinance or resolution which sets forth their determination to issue the  
19 bonds. Except as provided in subsection (b), the political subdivision  
20 may not advertise for or receive bids for the construction of the  
21 improvement until the expiration of the latter of: **after:**

22 **(1) the expiration of the time period within which taxpayers may**  
23 **file a petition for review of or a remonstrance against the**  
24 **proposed issue in the case of a proposed issue that is subject to**  
25 **section 3.1 of this chapter;**

26 **(2) the proposed issue is approved in an election on a local**  
27 **public question held under section 3.6 of this chapter in the**  
28 **case of a proposed issue that is subject to section 3.5 of this**  
29 **chapter; or**

30 ~~(2)~~ **(3) the time period during which a petition for review of the**  
31 **proposed issue is pending before the department of local**  
32 **government finance.**

33 **(b) When a petition for review of a proposed issue is pending before**  
34 **the department of local government finance, the department may order**  
35 **the political subdivision to advertise for and receive bids for the**  
36 **construction of the public improvement. When the department of local**  
37 **government finance issues such an order, the political subdivision shall**  
38 **file a bid report with the department within five (5) days after the bids**  
39 **are received, and the department shall render a final decision on the**  
40 **proposed issue within fifteen (15) days after it receives the bid report.**  
41 **Notwithstanding the provisions of this subsection, a political**  
42 **subdivision may not enter into a contract for the construction of a**

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1 public improvement while a petition for review of the bond issue which  
 2 is to finance the improvement is pending before the department of local  
 3 government finance.

4 SECTION 10. IC 6-1.1-20-10, AS AMENDED BY P.L.162-2006,  
 5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2007]: Sec. 10. (a) This section applies **only** to a political  
 7 subdivision that adopts an ordinance or a resolution making a  
 8 preliminary determination **before July 1, 2007**, to issue bonds or enter  
 9 into a lease. During the period commencing with the adoption of the  
 10 ordinance or resolution and, if a petition and remonstrance process is  
 11 commenced under section 3.2 of this chapter, continuing through the  
 12 sixty (60) day period commencing with the notice under ~~section 3.2(1)~~  
 13 **section 3.2(b)(1)** of this chapter, the political subdivision seeking to  
 14 issue bonds or enter into a lease for the proposed controlled project  
 15 may not promote a position on the petition or remonstrance by doing  
 16 any of the following:

17 (1) Allowing facilities or equipment, including mail and  
 18 messaging systems, owned by the political subdivision to be used  
 19 for public relations purposes to promote a position on the petition  
 20 or remonstrance, unless equal access to the facilities or equipment  
 21 is given to persons with a position opposite to that of the political  
 22 subdivision.

23 (2) Making an expenditure of money from a fund controlled by  
 24 the political subdivision to promote a position on the petition or  
 25 remonstrance or to pay for the gathering of signatures on a  
 26 petition or remonstrance. This subdivision does not prohibit a  
 27 political subdivision from making an expenditure of money to an  
 28 attorney, an architect, a construction manager, or a financial  
 29 adviser for professional services provided with respect to a  
 30 controlled project.

31 (3) Using an employee to promote a position on the petition or  
 32 remonstrance during the employee's normal working hours or paid  
 33 overtime, or otherwise compelling an employee to promote a  
 34 position on the petition or remonstrance at any time.

35 (4) In the case of a school corporation, promoting a position on a  
 36 petition or remonstrance by:

37 (A) using students to transport written materials to their  
 38 residences or in any way directly involving students in a  
 39 school organized promotion of a position; or

40 (B) including a statement within another communication sent  
 41 to the students' residences.

42 However, this section does not prohibit an employee of the political

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1 subdivision from carrying out duties with respect to a petition or  
2 remonstrance that are part of the normal and regular conduct of the  
3 employee's office or agency.

4 (b) A person may not solicit or collect signatures for a petition or  
5 remonstrance on property owned or controlled by the political  
6 subdivision.

7 (c) The staff and employees of a school corporation may not  
8 personally identify a student as the child of a parent or guardian who  
9 supports or opposes a petition or remonstrance.

10 (d) A person or an organization that has a contract or arrangement  
11 (whether formal or informal) with a school corporation for the use of  
12 any of the school corporation's facilities may not spend any money to  
13 promote a position on the petition or remonstrance. A person or an  
14 organization that violates this subsection commits a Class A infraction.

15 (e) An attorney, an architect, a construction manager, or a financial  
16 adviser for professional services provided with respect to a controlled  
17 project may not spend any money to promote a position on the petition  
18 or remonstrance. A person who violates this subsection:

- 19 (1) commits a Class A infraction; and
- 20 (2) is barred from performing any services with respect to the  
21 controlled project.

22 SECTION 11. IC 6-1.1-20-10.1 IS ADDED TO THE INDIANA  
23 CODE AS A NEW SECTION TO READ AS FOLLOWS  
24 [EFFECTIVE JULY 1, 2007]: **Sec. 10.1. (a) This section applies only  
25 to a political subdivision that, after June 30, 2007, adopts an  
26 ordinance or a resolution making a preliminary determination to  
27 issue bonds or enter into a lease.**

28 (b) **During the period beginning with the adoption of the  
29 ordinance or resolution and continuing through the day on which  
30 a local public question is submitted to the voters of the political  
31 subdivision under section 3.6 of this chapter, the political  
32 subdivision seeking to issue bonds or enter into a lease for the  
33 proposed controlled project may not promote a position on the  
34 local public question by doing any of the following:**

- 35 (1) **Allowing facilities or equipment, including mail and  
36 messaging systems, owned by the political subdivision to be  
37 used for public relations purposes to promote a position on  
38 the local public question, unless equal access to the facilities  
39 or equipment is given to persons with a position opposite to  
40 that of the political subdivision.**

- 41 (2) **Making an expenditure of money from a fund controlled  
42 by the political subdivision to promote a position on the local**

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**public question. This subdivision does not prohibit a political subdivision from making an expenditure of money to an attorney, an architect, a construction manager, or a financial adviser for professional services provided with respect to a controlled project.**

**(3) Using an employee to promote a position on the local public question during the employee's normal working hours or paid overtime, or otherwise compelling an employee to promote a position on the local public question at any time.**

**(4) In the case of a school corporation, promoting a position on a local public question by:**

**(A) using students to transport written materials to their residences or in any way directly involving students in a school organized promotion of a position; or**

**(B) including a statement within another communication sent to the students' residences.**

**However, this section does not prohibit an employee of the political subdivision from carrying out duties with respect to a local public question that are part of the normal and regular conduct of the employee's office or agency.**

**(c) The staff and employees of a school corporation may not personally identify a student as the child of a parent or guardian who supports or opposes a controlled project subject to a local public question held under section 3.6 of this chapter.**

**(d) A person or an organization that has a contract or arrangement (whether formal or informal) with a school corporation for the use of any of the school corporation's facilities may not spend any money to promote a position on a local public question. A person or an organization that violates this subsection commits a Class A infraction.**

**(e) An attorney, an architect, a construction manager, or a financial adviser for professional services provided with respect to a controlled project may not spend any money to promote a position on a local public question. A person who violates this subsection:**

- (1) commits a Class A infraction; and**
- (2) is barred from performing any services with respect to the controlled project.**

**SECTION 12. IC 8-14-9-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. All bonds and interest on bonds issued under this chapter are exempt from taxation as provided under IC 6-8-5-1. All general laws relating to:**

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- 1 (1) the filing of a petition requesting the issuance of bonds;
  - 2 (2) the right of taxpayers to:
    - 3 (A) remonstrate against the issuance of bonds; or
    - 4 (B) **vote on the proposed issuance of bonds in an election**
    - 5 **on a local public question;**
  - 6 (3) the appropriation of the proceeds of the bonds and the
  - 7 approval of the appropriation by the department of local
  - 8 government finance; and
  - 9 (4) the sale of bonds at public sale for not less than par value;
- 10 are applicable to proceedings under this chapter.

11 SECTION 13. IC 8-22-3-16 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) The board may  
 13 issue general obligation bonds of the authority for the purpose of  
 14 procuring funds to pay the cost of acquiring real property, or  
 15 constructing, enlarging, improving, remodeling, repairing, or equipping  
 16 buildings, structures, runways, or other facilities, for use as or in  
 17 connection with or for administrative purposes of the airport. The  
 18 issuance of the bonds must be authorized by ordinance of the board  
 19 providing for the amount, terms, and tenor of the bonds and for the  
 20 time and character of notice and the mode of making sale. If one (1)  
 21 airport is owned by the authority, an ordinance authorizing the issuance  
 22 of bonds for a separate second airport is subject to approval as provided  
 23 in this section. The bonds bear interest and are payable at the times and  
 24 places that the board determines but running not more than twenty-five  
 25 (25) years after the date of their issuance, and they must be executed in  
 26 the name of the authority by the president of the board and attested by  
 27 the secretary who shall affix to each of the bonds the official seal of the  
 28 authority. The interest coupons attached to the bonds may be executed  
 29 by placing on them the facsimile signature of the president of the  
 30 board.

- 31 (b) The issuance of general obligation bonds must be approved by  
 32 resolution of the following body:
- 33 (1) When the authority is established by an eligible entity, by its
  - 34 fiscal body.
  - 35 (2) When the authority is established by two (2) or more eligible
  - 36 entities acting jointly, by the fiscal body of each of those entities.
  - 37 (3) When the authority was established under IC 19-6-2 (**before**
  - 38 **its repeal**), by the mayor of the consolidated city, and if a second
  - 39 airport is to be funded, also by the city-county council.
  - 40 (4) When the authority was established under IC 19-6-3 (**before**
  - 41 **its repeal**), by the county council.
  - 42 (c) The airport director shall manage and supervise the preparation,

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1 advertisement, and sale of the bonds, subject to the authorizing  
 2 ordinance. Before the sale of the bonds, the airport director shall cause  
 3 notice of the sale to be published once each week for two (2)  
 4 consecutive weeks in two (2) newspapers of general circulation  
 5 published in the district, setting out the time and place where bids will  
 6 be received, the amount and maturity dates of the issue, the maximum  
 7 interest rate, and the terms and conditions of sale and delivery of the  
 8 bonds. The bonds shall be sold to the highest bidder, in accordance  
 9 with the procedures for selling public bonds. After the bonds have been  
 10 properly sold and executed, the airport director shall deliver them to the  
 11 treasurer of the authority and take ~~his~~ a receipt for them, and shall  
 12 certify to the treasurer the amount which the purchaser is to pay for  
 13 them, together with the name and address of the purchaser. On payment  
 14 of the purchase price the treasurer shall deliver the bonds to the  
 15 purchaser, and the treasurer and airport director or superintendent shall  
 16 report their actions to the board.

17 (d) The provisions of IC 6-1.1-20 and IC 5-1 relating to:

- 18 (1) the filing of a petition requesting the issuance of bonds and  
 19 giving notice of them;  
 20 (2) the giving of notice of determination to issue bonds;  
 21 (3) the giving of notice of hearing on the appropriation of the  
 22 proceeds of bonds and the right of taxpayers to appeal and be  
 23 heard on the proposed appropriation;  
 24 (4) the approval of the appropriation by the department of local  
 25 government finance;  
 26 (5) the right of taxpayers to:  
 27 (A) remonstrate against the issuance of bonds; or  
 28 (B) **vote on the proposed issuance of bonds in an election**  
 29 **on a local public question;** and  
 30 (6) the sale of bonds at public sale for not less than par value;

31 are applicable to proceedings under this chapter for the issuance of  
 32 general obligation bonds.

33 (e) Bonds issued under this chapter are not a corporate obligation or  
 34 indebtedness of any eligible entity but are an indebtedness of the  
 35 authority as a municipal corporation. An action to question the validity  
 36 of the bonds issued or to prevent their issue must be instituted not later  
 37 than the date set for sale of the bonds, and all of the bonds after that  
 38 date are incontestable.

39 SECTION 14. IC 12-29-1-5 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. All general Indiana  
 41 statutes relating to the following apply to the issuance of county bonds  
 42 under this chapter:

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- 1 (1) The filing of a petition requesting the issuance of bonds.
- 2 (2) The giving of notice of the following:
- 3 (A) The filing of the petition requesting the issuance of the
- 4 bonds.
- 5 (B) The determination to issue bonds.
- 6 (C) A hearing on the appropriation of the proceeds of the
- 7 bonds.
- 8 (3) The right of taxpayers to appear and be heard on the proposed
- 9 appropriation.
- 10 (4) The approval of the appropriation by the department of local
- 11 government finance.
- 12 (5) The right of taxpayers to:
- 13 (A) remonstrate against the issuance of bonds; **or**
- 14 (B) **vote on the proposed issuance of bonds in an election**
- 15 **on a local public question.**

16 SECTION 15. IC 12-29-2-18 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. All general Indiana  
 18 statutes relating to the following apply to the issuance of county bonds  
 19 under this chapter:

- 20 (1) The filing of a petition requesting the issuance of bonds.
- 21 (2) The giving of notice of the following:
- 22 (A) The filing of the petition requesting the issuance of the
- 23 bonds.
- 24 (B) The determination to issue bonds.
- 25 (C) A hearing on the appropriation of the proceeds of the
- 26 bonds.
- 27 (3) The right of taxpayers to appear and be heard on the proposed
- 28 appropriation.
- 29 (4) The approval of the appropriation by the department of local
- 30 government finance.
- 31 (5) The right of taxpayers to:
- 32 (A) remonstrate against the issuance of bonds; **or**
- 33 (B) **vote on the proposed issuance of bonds in an election**
- 34 **on a local public question.**

35 SECTION 16. IC 14-27-6-40 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 40. The provisions of  
 37 IC 5-1 and IC 6-1.1-20 relating to the following apply to proceedings  
 38 under this chapter:

- 39 (1) The filing of a petition requesting the issuance of bonds and
- 40 giving notice of the petition.
- 41 (2) The giving of notice of determination to issue bonds.
- 42 (3) The giving of notice of hearing on the appropriation of the

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- 1 proceeds of bonds and the right of taxpayers to appeal and be
- 2 heard on the proposed appropriation.
- 3 (4) The approval of the appropriation by the department of local
- 4 government finance.
- 5 (5) The right of taxpayers to:
- 6 (A) remonstrate against the issuance of bonds; or
- 7 (B) **vote on the proposed issuance of bonds in an election**
- 8 **on a local public question.**

9 (6) The sale of bonds at public sale for not less than the par value.  
 10 SECTION 17. IC 14-33-11-8 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) Before offering  
 12 bonds for sale, the board shall give notice in the same manner as is  
 13 **provided required by IC 6-1.1-20** for the sale of bonds by municipal  
 14 corporations.

- 15 (b) Persons affected are entitled to:
- 16 (1) remonstrate against issuance of the bonds **(in the case of a**
- 17 **preliminary determination made before July 1, 2007, to issue**
- 18 **bonds); or**
- 19 (2) **vote on the proposed issuance of bonds in an election on a**
- 20 **local public question (in the case of a preliminary**
- 21 **determination made after June 30, 2007, to issue bonds).**

22 (c) An action to question the validity of the bonds may not be  
 23 instituted after the date fixed for sale, and the bonds are incontestable  
 24 after that time.

25 SECTION 18. IC 14-33-11-9 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. If the board is denied  
 27 the right to issue bonds as a result of remonstrance proceedings **or an**  
 28 **election on a local public question held under IC 6-1.1-20-3.6:**

- 29 (1) all contracts let by the board for work to be paid from the sale
- 30 of bonds are void; and
- 31 (2) no liability accrues to the district or to the board.

32 SECTION 19. IC 16-22-6-20 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. (a) If the execution  
 34 of the original or a modified lease is authorized, notice of the signing  
 35 shall be published on behalf of the county one (1) time in a newspaper  
 36 of general circulation and published in the county. Except as provided  
 37 in subsection (b), at least ten (10) taxpayers in the county whose tax  
 38 rate will be affected by the proposed lease may file a petition with the  
 39 county auditor not more than thirty (30) days after publication of notice  
 40 of the execution of the lease. The petition must set forth the objections  
 41 to the lease and facts showing that the execution of the lease is  
 42 unnecessary or unwise or that the lease rental is not fair and reasonable.

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1 (b) The authority for taxpayers to object to a proposed lease  
 2 described in subsection (a) does not apply if the authority complies  
 3 with the procedures for the issuance of bonds and other evidences of  
 4 indebtedness described in ~~IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2:~~  
 5 **IC 6-1.1-20.**

6 SECTION 20. IC 16-22-8-43 IS AMENDED TO READ AS  
 7 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 43. (a) The board may  
 8 issue general obligation bonds of the corporation to procure funds to  
 9 pay the cost of acquiring real property or constructing, enlarging,  
 10 improving, remodeling, repairing, or equipping buildings and other  
 11 structures for use as or in connection with hospitals, clinics, health  
 12 centers, dispensaries, or for administrative purposes. The issuance of  
 13 the bonds shall be authorized by ordinance of the board providing for  
 14 the amount, terms, and tenor of the bonds, for the time and character of  
 15 notice, and the mode of making the sale. The bonds shall be payable  
 16 not more than forty (40) years after the date of issuance and shall be  
 17 executed in the name of the corporation by the chairman of the board  
 18 and attested by the executive director, who shall affix to each of the  
 19 bonds the official seal of the corporation. The interest coupons attached  
 20 to the bonds may be executed by facsimile signature of the chairman  
 21 of the board.

22 (b) The executive director shall manage and supervise the  
 23 preparation, advertisement, and sale of bonds, subject to the provisions  
 24 of the authorizing ordinance. Before the sale of the bonds, the  
 25 executive director shall publish notice of the sale in accordance with  
 26 IC 5-3-1, setting out the time and place where bids will be received, the  
 27 amount and maturity dates of the issue, the maximum interest rate, and  
 28 the terms and conditions of sale and delivery of the bonds. The bonds  
 29 shall be sold to the highest and best bidder. After the bonds have been  
 30 sold and executed, the executive director shall deliver the bonds to the  
 31 treasurer of the corporation and take the treasurer's receipt, and shall  
 32 certify to the treasurer the amount that the purchaser is to pay, together  
 33 with the name and address of the purchaser. On payment of the  
 34 purchase price, the treasurer shall deliver the bonds to the purchaser,  
 35 and the treasurer and executive director shall report the actions to the  
 36 board.

37 (c) IC 5-1 and IC 6-1.1-20 apply to the following proceedings:

- 38 (1) Notice and filing of the petition requesting the issuance of the
- 39 bonds.
- 40 (2) Notice of determination to issue bonds.
- 41 (3) Notice of hearing on the appropriation of the proceeds of the
- 42 bonds and the right of taxpayers to appeal and be heard.

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- 1 (4) Approval by the department of local government finance.
- 2 (5) The right to:
- 3 (A) remonstrate; or
- 4 (B) **vote on the proposed issuance of bonds in an election**
- 5 **on a local public question.**
- 6 (6) Sale of bonds at public sale for not less than the par value.
- 7 (d) The bonds are the direct general obligations of the corporation
- 8 and are payable out of unlimited ad valorem taxes levied and collected
- 9 on all the taxable property within the county of the corporation. All
- 10 officials and bodies having to do with the levying of taxes for the
- 11 corporation shall see that sufficient levies are made to meet the
- 12 principal and interest on the bonds at the time fixed for payment.
- 13 (e) The bonds are exempt from taxation for all purposes, but the
- 14 interest is subject to the adjusted gross income tax.
- 15 SECTION 21. IC 20-46-7-8, AS AMENDED BY P.L.192-2006,
- 16 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2007]: Sec. 8. (a) A school corporation must file a petition
- 18 requesting approval from the department of local government finance
- 19 to:
- 20 (1) incur bond indebtedness;
- 21 (2) enter into a lease rental agreement; or
- 22 (3) repay from the debt service fund loans made for the purchase
- 23 of school buses under IC 20-27-4-5;
- 24 not later than twenty-four (24) months after the first date of publication
- 25 of notice of a preliminary determination under ~~IC 6-1.1-20-3.1(2)~~;
- 26 **IC 6-1.1-20-3.1(b)(2) or IC 6-1.1-20-3.5(b)(2), whichever is**
- 27 **applicable**, unless the school corporation demonstrates that a longer
- 28 period is reasonable in light of the school corporation's facts and
- 29 circumstances.
- 30 (b) A school corporation must obtain approval from the department
- 31 of local government finance before the school corporation may:
- 32 (1) incur the indebtedness;
- 33 (2) enter into the lease agreement; or
- 34 (3) repay the school bus purchase loan.
- 35 (c) This restriction does not apply to property taxes that a school
- 36 corporation levies to pay or fund bond or lease rental indebtedness
- 37 created or incurred before July 1, 1974. In addition, this restriction does
- 38 not apply to a lease agreement or a purchase agreement entered into
- 39 between a school corporation and the Indiana bond bank for the lease
- 40 or purchase of a school bus under IC 5-1.5-4-1(a)(5), if the lease
- 41 agreement or purchase agreement conforms with the school
- 42 corporation's ten (10) year school bus ~~replacement~~ **acquisition** plan

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1 approved by the department of local government finance under  
2 IC 21-2-11.5-3.1 **(before its repeal) or IC 20-46-5.**

3 (d) This section does not apply to school bus purchase loans made  
4 by a school corporation that will be repaid solely from the general fund  
5 of the school corporation.

6 SECTION 22. IC 20-47-4-6, AS ADDED BY P.L.2-2006,  
7 SECTION 170, IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) A lessor corporation may  
9 acquire and finance an existing school building, other than as provided  
10 in section 5 of this chapter, and lease the existing school building to a  
11 school corporation. A school corporation shall comply with:

12 (1) IC 20-47-2 or IC 20-47-3; and

13 (2) **either:**

14 (A) the petition and remonstrance provisions under  
15 IC 6-1.1-20 **(in the case of a preliminary determination**  
16 **made before July 1, 2007, to enter into a lease); or**

17 (B) **the local public question provisions under IC 6-1.1-20**  
18 **(in the case of a preliminary determination made after**  
19 **June 30, 2007, to enter into a lease).**

20 (b) A lease made under this section may provide for the payment of  
21 lease rentals by the school corporation for the use of the existing school  
22 building.

23 (c) Lease rental payments made under the lease do not constitute a  
24 debt of the school corporation for purposes of the Constitution of the  
25 State of Indiana.

26 (d) A new school building may be substituted for the existing school  
27 building under the lease if the substitution was included in the notices  
28 given under IC 20-47-2, IC 20-47-3, and IC 6-1.1-20. A new school  
29 building must be substituted for the existing school building upon  
30 completion of the new school building.

31 SECTION 23. IC 20-48-1-8, AS ADDED BY P.L.2-2006,  
32 SECTION 171, IS AMENDED TO READ AS FOLLOWS  
33 [EFFECTIVE JULY 1, 2007]: Sec. 8. The provisions of all general  
34 statutes and rules relating to:

35 (1) filing petitions requesting the issuance of bonds and giving  
36 notice of the issuance of bonds;

37 (2) giving notice of determination to issue bonds;

38 (3) giving notice of a hearing on the appropriation of the proceeds  
39 of the bonds and the right of taxpayers to appear and be heard on  
40 the proposed appropriation;

41 (4) the approval of the appropriation by the department of local  
42 government finance; and

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1 (5) the right of taxpayers to:

2 (A) remonstrate against the issuance of bonds; or

3 (B) **vote on the proposed issuance of bonds in an election**  
 4 **on a local public question;**

5 apply to proceedings for the issuance of bonds and the making of an  
 6 emergency loan under this article and IC 20-26-1 through IC 20-26-5.  
 7 An action to contest the validity of the bonds or emergency loans may  
 8 not be brought later than five (5) days after the acceptance of a bid for  
 9 the sale of the bonds.

10 SECTION 24. IC 36-3-5-8 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) This section  
 12 applies whenever a special taxing district of the consolidated city has  
 13 the power to issue bonds, notes, or warrants.

14 (b) Before any bonds, notes, or warrants of a special taxing district  
 15 may be issued, the issue must be approved by resolution of the  
 16 legislative body of the consolidated city.

17 (c) Any bonds of a special taxing district must be issued in the  
 18 manner prescribed by statute for that district, and the board of the  
 19 department having jurisdiction over the district shall:

20 (1) hold all required hearings;

21 (2) adopt all necessary resolutions; and

22 (3) appropriate the proceeds of the bonds;

23 in that manner. However, the legislative body shall levy each year the  
 24 special tax required to pay the principal of and interest on the bonds  
 25 and any bank paying charges.

26 (d) Notwithstanding any other statute, bonds of a special taxing  
 27 district may:

28 (1) be dated;

29 (2) be issued in any denomination;

30 (3) mature at any time or times not exceeding fifty (50) years after  
 31 their date; and

32 (4) be payable at any bank or banks;

33 as determined by the board. The interest rate or rates that the bonds will  
 34 bear must be determined by bidding, notwithstanding IC 5-1-11-3.

35 (e) Bonds of a special taxing district are subject to the provisions of  
 36 IC 5-1 and IC 6-1.1-20 relating to **the following:**

37 (1) The filing of a petition requesting the issuance of bonds and  
 38 giving notice of the petition.

39 (2) The giving of notice of a hearing on the appropriation of the  
 40 proceeds of bonds.

41 (3) The right of taxpayers to appear and be heard on the proposed  
 42 appropriation.

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- 1 (4) The approval of the appropriation by the department of local  
2 government finance.
- 3 (5) The right of taxpayers to:
- 4 (A) remonstrate against the issuance of bonds; ~~and or~~  
5 (B) **vote on the proposed issuance of bonds in an election**  
6 **on a local public question.**
- 7 (6) The sale of bonds at public sale.
- 8 SECTION 25. IC 36-5-2-11 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The legislative  
10 body may issue bonds for the purpose of procuring money to be used  
11 in the exercise of the powers of the town and for the payment of town  
12 debts. However, a town may not issue bonds to procure money to pay  
13 current expenses.
- 14 (b) Bonds issued under this section are payable in the amounts and  
15 at the times determined by the legislative body.
- 16 (c) Bonds issued under this section are subject to the provisions of  
17 IC 5-1 and IC 6-1.1-20 relating to **the following:**
- 18 (1) The filing of a petition requesting the issuance of bonds and  
19 giving notice of the petition.
- 20 (2) The giving of notice of a hearing on the appropriation of the  
21 proceeds of bonds.
- 22 (3) The right of taxpayers to appear and be heard on the proposed  
23 appropriation.
- 24 (4) The approval of the appropriation by the department of local  
25 government finance.
- 26 (5) The right of taxpayers to:
- 27 (A) remonstrate against the issuance of bonds; ~~and or~~  
28 (B) **vote on the proposed issuance of bonds in an election**  
29 **on a local public question.**
- 30 (6) The sale of bonds at public sale for not less than their par  
31 value.
- 32 (d) The legislative body may, by ordinance, make loans of money  
33 for not more than five (5) years and issue notes for the purpose of  
34 refunding those loans. The loans may be made only for the purpose of  
35 procuring money to be used in the exercise of the powers of the town,  
36 and the total amount of outstanding loans under this subsection may not  
37 exceed five percent (5%) of the town's total tax levy in the current year  
38 (excluding amounts levied to pay debt service and lease rentals). Loans  
39 under this subsection shall be made as follows:
- 40 (1) The ordinance authorizing the loans must pledge to their  
41 payment a sufficient amount of tax revenues over the ensuing five  
42 (5) years to provide for refunding the loans.

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1 (2) The loans must be evidenced by notes of the town in terms  
2 designating the nature of the consideration, the time and place  
3 payable, and the revenues out of which they will be payable.

4 (3) The interest accruing on the notes to the date of maturity may  
5 be added to and included in their face value or be made payable  
6 periodically, as provided in the ordinance.

7 Notes issued under this subsection are not bonded indebtedness for  
8 purposes of IC 6-1.1-18.5.

9 SECTION 26. IC 36-7-14-25.1, AS AMENDED BY P.L.185-2005,  
10 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2007]: Sec. 25.1. (a) In addition to other methods of raising  
12 money for property acquisition or redevelopment in a redevelopment  
13 project area, and in anticipation of the special tax to be levied under  
14 section 27 of this chapter, the taxes allocated under section 39 of this  
15 chapter, or other revenues of the district, or any combination of these  
16 sources, the redevelopment commission may, by resolution and subject  
17 to subsection (p), issue the bonds of the special taxing district in the  
18 name of the unit. The amount of the bonds may not exceed the total, as  
19 estimated by the commission, of all expenses reasonably incurred in  
20 connection with the acquisition and redevelopment of the property,  
21 including:

22 (1) the total cost of all land, rights-of-way, and other property to  
23 be acquired and redeveloped;

24 (2) all reasonable and necessary architectural, engineering, legal,  
25 financing, accounting, advertising, bond discount, and  
26 supervisory expenses related to the acquisition and redevelopment  
27 of the property or the issuance of bonds;

28 (3) capitalized interest permitted by this chapter and a debt  
29 service reserve for the bonds to the extent the redevelopment  
30 commission determines that a reserve is reasonably required; and

31 (4) expenses that the redevelopment commission is required or  
32 permitted to pay under IC 8-23-17.

33 (b) If the redevelopment commission plans to acquire different  
34 parcels of land or let different contracts for redevelopment work at  
35 approximately the same time, whether under one (1) or more  
36 resolutions, the commission may provide for the total cost in one (1)  
37 issue of bonds.

38 (c) The bonds must be dated as set forth in the bond resolution and  
39 negotiable, subject to the requirements of the bond resolution for  
40 registering the bonds. The resolution authorizing the bonds must state:

41 (1) the denominations of the bonds;

42 (2) the place or places at which the bonds are payable; and

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1 (3) the term of the bonds, which may not exceed fifty (50) years.  
2 The resolution may also state that the bonds are redeemable before  
3 maturity with or without a premium, as determined by the  
4 redevelopment commission.

5 (d) The redevelopment commission shall certify a copy of the  
6 resolution authorizing the bonds to the municipal or county fiscal  
7 officer, who shall then prepare the bonds, subject to subsection (p). The  
8 seal of the unit must be impressed on the bonds, or a facsimile of the  
9 seal must be printed on the bonds.

10 (e) The bonds must be executed by the appropriate officer of the  
11 unit, and attested by the municipal or county fiscal officer.

12 (f) The bonds are exempt from taxation for all purposes.

13 (g) The municipal or county fiscal officer shall give notice of the  
14 sale of the bonds by publication in accordance with IC 5-3-1. The  
15 municipal fiscal officer, or county fiscal officer or executive, shall sell  
16 the bonds to the highest bidder, but may not sell them for less than  
17 ninety-seven percent (97%) of their par value. However, bonds payable  
18 solely or in part from tax proceeds allocated under section 39(b)(2) of  
19 this chapter, or other revenues of the district, may be sold at a private  
20 negotiated sale.

21 (h) Except as provided in subsection (i), a redevelopment  
22 commission may not issue the bonds when the total issue, including  
23 bonds already issued and to be issued, exceeds two percent (2%) of the  
24 adjusted value of the taxable property in the special taxing district, as  
25 determined under IC 36-1-15.

26 (i) The bonds are not a corporate obligation of the unit but are an  
27 indebtedness of the taxing district. The bonds and interest are payable,  
28 as set forth in the bond resolution of the redevelopment commission:

- 29 (1) from a special tax levied upon all of the property in the taxing
- 30 district, as provided by section 27 of this chapter;
- 31 (2) from the tax proceeds allocated under section 39(b)(2) of this
- 32 chapter;
- 33 (3) from other revenues available to the redevelopment
- 34 commission; or
- 35 (4) from a combination of the methods stated in subdivisions (1)
- 36 through (3).

37 If the bonds are payable solely from the tax proceeds allocated under  
38 section 39(b)(2) of this chapter, other revenues of the redevelopment  
39 commission, or any combination of these sources, they may be issued  
40 in any amount without limitation.

41 (j) Proceeds from the sale of bonds may be used to pay the cost of  
42 interest on the bonds for a period not to exceed five (5) years from the

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1 date of issuance.

2 (k) All laws relating to the giving of notice of the issuance of bonds,  
3 the giving of notice of a hearing on the appropriation of the proceeds  
4 of the bonds, the right of taxpayers to appear and be heard on the  
5 proposed appropriation, and the approval of the appropriation by the  
6 department of local government finance apply to all bonds issued under  
7 this chapter that are payable from the special benefits tax levied  
8 pursuant to section 27 of this chapter or from taxes allocated under  
9 section 39 of this chapter.

10 (l) All laws relating to:

11 (1) the filing of petitions requesting the issuance of bonds; and

12 (2) the right of taxpayers to:

13 (A) remonstrate against the issuance of bonds; or

14 (B) **vote on the proposed issuance of bonds in an election**  
15 **on a local public question;**

16 apply to bonds issued under this chapter, except for bonds payable  
17 solely from tax proceeds allocated under section 39(b)(2) of this  
18 chapter, other revenues of the redevelopment commission, or any  
19 combination of these sources.

20 (m) If a debt service reserve is created from the proceeds of bonds,  
21 the debt service reserve may be used to pay principal and interest on  
22 the bonds as provided in the bond resolution.

23 (n) Any amount remaining in the debt service reserve after all of the  
24 bonds of the issue for which the debt service reserve was established  
25 have matured shall be deposited in the allocation fund established  
26 under section 39(b)(2) of this chapter.

27 (o) If bonds are issued under this chapter that are payable solely or  
28 in part from revenues to the redevelopment commission from a project  
29 or projects, the redevelopment commission may adopt a resolution or  
30 trust indenture or enter into covenants as is customary in the issuance  
31 of revenue bonds. The resolution or trust indenture may pledge or  
32 assign the revenues from the project or projects, but may not convey or  
33 mortgage any project or parts of a project. The resolution or trust  
34 indenture may also contain any provisions for protecting and enforcing  
35 the rights and remedies of the bond owners as may be reasonable and  
36 proper and not in violation of law, including covenants setting forth the  
37 duties of the redevelopment commission. The redevelopment  
38 commission may establish fees and charges for the use of any project  
39 and covenant with the owners of any bonds to set those fees and  
40 charges at a rate sufficient to protect the interest of the owners of the  
41 bonds. Any revenue bonds issued by the redevelopment commission  
42 that are payable solely from revenues of the commission shall contain

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a statement to that effect in the form of bond.

(p) If the total principal amount of bonds authorized by a resolution of the redevelopment commission is equal to or greater than three million dollars (\$3,000,000), the bonds may not be issued without the approval, by resolution, of the legislative body of the unit.

SECTION 27. IC 36-7-14.5-12.5, AS AMENDED BY P.L.1-2006, SECTION 567, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12.5. (a) This section applies only to an authority in a county having a United States government military base that is scheduled for closing or is completely or partially inactive or closed.

(b) In order to accomplish the purposes set forth in section 11 of this chapter, an authority may create an economic development area:

- (1) by following the procedures set forth in IC 36-7-14-41 for the establishment of an economic development area by a redevelopment commission; and
- (2) with the same effect as if the economic development area was created by a redevelopment commission.

The area established under this section shall be established only in the area where a United States government military base that is scheduled for closing or is completely or partially inactive or closed is or was located.

(c) In order to accomplish the purposes set forth in section 11 of this chapter, an authority may do the following in a manner that serves an economic development area created under this section:

- (1) Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal property or interest in real property needed for the redevelopment of economic development areas located within the corporate boundaries of the unit.
- (2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of economic development areas on the terms and conditions that the authority considers best for the unit and the unit's inhabitants.
- (3) Sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the unit or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on.
- (4) Clear real property acquired for redevelopment purposes.
- (5) Repair and maintain structures acquired for redevelopment

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- 1 purposes.
- 2 (6) Remodel, rebuild, enlarge, or make major structural
- 3 improvements on structures acquired for redevelopment purposes.
- 4 (7) Survey or examine any land to determine whether the land
- 5 should be included within an economic development area to be
- 6 acquired for redevelopment purposes and to determine the value
- 7 of that land.
- 8 (8) Appear before any other department or agency of the unit, or
- 9 before any other governmental agency in respect to any matter
- 10 affecting:
- 11 (A) real property acquired or being acquired for
- 12 redevelopment purposes; or
- 13 (B) any economic development area within the jurisdiction of
- 14 the authority.
- 15 (9) Institute or defend in the name of the unit any civil action, but
- 16 all actions against the authority must be brought in the circuit or
- 17 superior court of the county where the authority is located.
- 18 (10) Use any legal or equitable remedy that is necessary or
- 19 considered proper to protect and enforce the rights of and perform
- 20 the duties of the authority.
- 21 (11) Exercise the power of eminent domain in the name of and
- 22 within the corporate boundaries of the unit subject to the same
- 23 conditions and procedures that apply to the exercise of the power
- 24 of eminent domain by a redevelopment commission under
- 25 IC 36-7-14.
- 26 (12) Appoint an executive director, appraisers, real estate experts,
- 27 engineers, architects, surveyors, and attorneys.
- 28 (13) Appoint clerks, guards, laborers, and other employees the
- 29 authority considers advisable, except that those appointments
- 30 must be made in accordance with the merit system of the unit if
- 31 such a system exists.
- 32 (14) Prescribe the duties and regulate the compensation of
- 33 employees of the authority.
- 34 (15) Provide a pension and retirement system for employees of
- 35 the authority by using the public employees' retirement fund or a
- 36 retirement plan approved by the United States Department of
- 37 Housing and Urban Development.
- 38 (16) Discharge and appoint successors to employees of the
- 39 authority subject to subdivision (13).
- 40 (17) Rent offices for use of the department or authority, or accept
- 41 the use of offices furnished by the unit.
- 42 (18) Equip the offices of the authority with the necessary

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1 furniture, furnishings, equipment, records, and supplies.  
 2 (19) Design, order, contract for, and construct, reconstruct,  
 3 improve, or renovate the following:  
 4 (A) Any local public improvement or structure that is  
 5 necessary for redevelopment purposes or economic  
 6 development within the corporate boundaries of the unit.  
 7 (B) Any structure that enhances development or economic  
 8 development.  
 9 (20) Contract for the construction, extension, or improvement of  
 10 pedestrian skyways (as defined in IC 36-7-14-12.2(c)).  
 11 (21) Accept loans, grants, and other forms of financial assistance  
 12 from, or contract with, the federal government, the state  
 13 government, a municipal corporation, a special taxing district, a  
 14 foundation, or any other source.  
 15 (22) Make and enter into all contracts and agreements necessary  
 16 or incidental to the performance of the duties of the authority and  
 17 the execution of the powers of the authority under this chapter.  
 18 (23) Take any action necessary to implement the purpose of the  
 19 authority.  
 20 (24) Provide financial assistance, in the manner that best serves  
 21 the purposes set forth in section 11 of this chapter, including  
 22 grants and loans, to enable private enterprise to develop,  
 23 redevelop, and reuse military base property or otherwise enable  
 24 private enterprise to provide social and economic benefits to the  
 25 citizens of the unit.  
 26 (d) An authority may designate all or a portion of an economic  
 27 development area created under this section as an allocation area by  
 28 following the procedures set forth in IC 36-7-14-39 for the  
 29 establishment of an allocation area by a redevelopment commission.  
 30 The allocation provision may modify the definition of "property taxes"  
 31 under IC 36-7-14-39(a) to include taxes imposed under IC 6-1.1 on the  
 32 depreciable personal property located and taxable on the site of  
 33 operations of designated taxpayers in accordance with the procedures  
 34 applicable to a commission under IC 36-7-14-39.3. IC 36-7-14-39.3  
 35 applies to such a modification. An allocation area established by an  
 36 authority under this section is a special taxing district authorized by the  
 37 general assembly to enable the unit to provide special benefits to  
 38 taxpayers in the allocation area by promoting economic development  
 39 that is of public use and benefit. For allocation areas established for an  
 40 economic development area created under this section after June 30,  
 41 1997, and to the expanded portion of an allocation area for an  
 42 economic development area that was established before June 30, 1997,

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1 and that is expanded under this section after June 30, 1997, the net  
 2 assessed value of property that is assessed as residential property under  
 3 the rules of the department of local government finance, as finally  
 4 determined for any assessment date, must be allocated. All of the  
 5 provisions of IC 36-7-14-39, IC 36-7-14-39.1, and IC 36-7-14-39.5  
 6 apply to an allocation area created under this section, except that the  
 7 authority shall be vested with the rights and duties of a commission as  
 8 referenced in those sections, and except that, notwithstanding  
 9 IC 36-7-14-39(b)(2), property tax proceeds paid into the allocation  
 10 fund may be used by the authority only to do one (1) or more of the  
 11 following:

- 12 (1) Pay the principal of and interest and redemption premium on
- 13 any obligations incurred by the special taxing district or any other
- 14 entity for the purpose of financing or refinancing military base
- 15 reuse activities in or serving or benefiting that allocation area.
- 16 (2) Establish, augment, or restore the debt service reserve for
- 17 obligations payable solely or in part from allocated tax proceeds
- 18 in that allocation area or from other revenues of the authority
- 19 (including lease rental revenues).
- 20 (3) Make payments on leases payable solely or in part from
- 21 allocated tax proceeds in that allocation area.
- 22 (4) Reimburse any other governmental body for expenditures
- 23 made by it for local public improvements or structures in or
- 24 serving or benefiting that allocation area.
- 25 (5) Pay all or a portion of a property tax replacement credit to
- 26 taxpayers in an allocation area as determined by the authority.
- 27 This credit equals the amount determined under the following
- 28 STEPS for each taxpayer in a taxing district (as defined in
- 29 IC 6-1.1-1-20) that contains all or part of the allocation area:
- 30 STEP ONE: Determine that part of the sum of the amounts
- 31 under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2),
- 32 IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and
- 33 IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.
- 34 STEP TWO: Divide:
- 35 (A) that part of each county's eligible property tax
- 36 replacement amount (as defined in IC 6-1.1-21-2) for that
- 37 year as determined under IC 6-1.1-21-4 that is attributable
- 38 to the taxing district; by
- 39 (B) the STEP ONE sum.
- 40 STEP THREE: Multiply:
- 41 (A) the STEP TWO quotient; by
- 42 (B) the total amount of the taxpayer's taxes (as defined in

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1 IC 6-1.1-21-2) levied in the taxing district that have been  
2 allocated during that year to an allocation fund under this  
3 section.

4 If not all the taxpayers in an allocation area receive the credit in  
5 full, each taxpayer in the allocation area is entitled to receive the  
6 same proportion of the credit. A taxpayer may not receive a credit  
7 under this section and a credit under IC 36-7-14-39.5 in the same  
8 year.

9 (6) Pay expenses incurred by the authority for local public  
10 improvements or structures that are in the allocation area or  
11 serving or benefiting the allocation area.

12 (7) Reimburse public and private entities for expenses incurred in  
13 training employees of industrial facilities that are located:

- 14 (A) in the allocation area; and
- 15 (B) on a parcel of real property that has been classified as  
16 industrial property under the rules of the department of local  
17 government finance.

18 However, the total amount of money spent for this purpose in any  
19 year may not exceed the total amount of money in the allocation  
20 fund that is attributable to property taxes paid by the industrial  
21 facilities described in clause (B). The reimbursements under this  
22 subdivision must be made within three (3) years after the date on  
23 which the investments that are the basis for the increment  
24 financing are made. The allocation fund may not be used for  
25 operating expenses of the authority.

26 (e) In addition to other methods of raising money for property  
27 acquisition, redevelopment, or economic development activities in or  
28 directly serving or ~~benefitting~~ **benefitting** an economic development  
29 area created by an authority under this section, and in anticipation of  
30 the taxes allocated under subsection (d), other revenues of the  
31 authority, or any combination of these sources, the authority may, by  
32 resolution, issue the bonds of the special taxing district in the name of  
33 the unit. Bonds issued under this section may be issued in any amount  
34 without limitation. The following apply if such a resolution is adopted:

- 35 (1) The authority shall certify a copy of the resolution authorizing  
36 the bonds to the municipal or county fiscal officer, who shall then  
37 prepare the bonds. The seal of the unit must be impressed on the  
38 bonds, or a facsimile of the seal must be printed on the bonds.
- 39 (2) The bonds must be executed by the appropriate officer of the  
40 unit and attested by the unit's fiscal officer.
- 41 (3) The bonds are exempt from taxation for all purposes.
- 42 (4) Bonds issued under this section may be sold at public sale in

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1 accordance with IC 5-1-11 or at a negotiated sale.  
 2 (5) The bonds are not a corporate obligation of the unit but are an  
 3 indebtedness of the taxing district. The bonds and interest are  
 4 payable, as set forth in the bond resolution of the authority:  
 5 (A) from the tax proceeds allocated under subsection (d);  
 6 (B) from other revenues available to the authority; or  
 7 (C) from a combination of the methods stated in clauses (A)  
 8 and (B).  
 9 (6) Proceeds from the sale of bonds may be used to pay the cost  
 10 of interest on the bonds for a period not to exceed five (5) years  
 11 from the date of issuance.  
 12 (7) Laws relating to:  
 13 (A) the filing of petitions requesting the issuance of bonds;  
 14 and  
 15 (B) the right of taxpayers to:  
 16 (i) remonstrate against the issuance of bonds; or  
 17 (ii) **vote on the proposed issuance of bonds in an election**  
 18 **on a local public question;**  
 19 do not apply to bonds issued under this section.  
 20 (8) If a debt service reserve is created from the proceeds of bonds,  
 21 the debt service reserve may be used to pay principal and interest  
 22 on the bonds as provided in the bond resolution.  
 23 (9) If bonds are issued under this chapter that are payable solely  
 24 or in part from revenues to the authority from a project or  
 25 projects, the authority may adopt a resolution or trust indenture or  
 26 enter into covenants as is customary in the issuance of revenue  
 27 bonds. The resolution or trust indenture may pledge or assign the  
 28 revenues from the project or projects. The resolution or trust  
 29 indenture may also contain any provisions for protecting and  
 30 enforcing the rights and remedies of the bond owners as may be  
 31 reasonable and proper and not in violation of law, including  
 32 covenants setting forth the duties of the authority. The authority  
 33 may establish fees and charges for the use of any project and  
 34 covenant with the owners of any bonds to set those fees and  
 35 charges at a rate sufficient to protect the interest of the owners of  
 36 the bonds. Any revenue bonds issued by the authority that are  
 37 payable solely from revenues of the authority shall contain a  
 38 statement to that effect in the form of bond.  
 39 (f) Notwithstanding section 8(a) of this chapter, an ordinance  
 40 adopted under ~~section 11~~ of this chapter may provide, or be amended  
 41 to provide, that the board of directors of the authority shall be  
 42 composed of not fewer than three (3) nor more than eleven (11)

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1 members, who must be residents of the unit appointed by the executive  
2 of the unit.

3 (g) The acquisition of real and personal property by an authority  
4 under this section is not subject to the provisions of IC 5-22,  
5 IC 36-1-10.5, IC 36-7-14-19, or any other statutes governing the  
6 purchase of property by public bodies or their agencies.

7 (h) An authority may negotiate for the sale, lease, or other  
8 disposition of real and personal property without complying with the  
9 provisions of IC 5-22-22, IC 36-1-11, IC 36-7-14-22, or any other  
10 statute governing the disposition of public property.

11 (i) Notwithstanding any other law, utility services provided within  
12 an economic development area established under this section are  
13 subject to regulation by the appropriate regulatory agencies unless the  
14 utility service is provided by a utility that provides utility service solely  
15 within the geographic boundaries of an existing or a closed military  
16 installation, in which case the utility service is not subject to regulation  
17 for purposes of rate making, regulation, service delivery, or issuance of  
18 bonds or other forms of indebtedness. However, this exemption from  
19 regulation does not apply to utility service if the service is generated,  
20 treated, or produced outside the boundaries of the existing or closed  
21 military installation.

22 SECTION 28. IC 36-7-15.1-17, AS AMENDED BY P.L.185-2005,  
23 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2007]: Sec. 17. (a) In addition to other methods of raising  
25 money for property acquisition or redevelopment in a redevelopment  
26 project area, and in anticipation of the special tax to be levied under  
27 section 19 of this chapter, the taxes allocated under section 26 of this  
28 chapter, or other revenues of the redevelopment district, the  
29 commission may, by resolution, issue the bonds of the redevelopment  
30 district in the name of the consolidated city and in accordance with  
31 IC 36-3-5-8. The amount of the bonds may not exceed the total, as  
32 estimated by the commission, of all expenses reasonably incurred in  
33 connection with the acquisition and redevelopment of the property,  
34 including:

- 35 (1) the total cost of all land, rights-of-way, and other property to  
36 be acquired and redeveloped;
- 37 (2) all reasonable and necessary architectural, engineering, legal,  
38 financing, accounting, advertising, bond discount, and  
39 supervisory expenses related to the acquisition and redevelopment  
40 of the property or the issuance of bonds;
- 41 (3) capitalized interest permitted in this chapter and a debt service  
42 reserve for the bonds, to the extent that the redevelopment

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1 commission determines that a reserve is reasonably required;  
 2 (4) the total cost of all clearing and construction work provided  
 3 for in the resolution; and  
 4 (5) expenses that the commission is required or permitted to pay  
 5 under IC 8-23-17.

6 (b) If the commission plans to acquire different parcels of land or let  
 7 different contracts for redevelopment work at approximately the same  
 8 time, whether under one (1) or more resolutions, the commission may  
 9 provide for the total cost in one (1) issue of bonds.

10 (c) The bonds must be dated as set forth in the bond resolution and  
 11 negotiable subject to the requirements of the bond resolution for the  
 12 registration of the bonds. The resolution authorizing the bonds must  
 13 state:

- 14 (1) the denominations of the bonds;
  - 15 (2) the place or places at which the bonds are payable; and
  - 16 (3) the term of the bonds, which may not exceed fifty (50) years.
- 17 The resolution may also state that the bonds are redeemable before  
 18 maturity with or without a premium, as determined by the commission.

19 (d) The commission shall certify a copy of the resolution authorizing  
 20 the bonds to the fiscal officer of the consolidated city, who shall then  
 21 prepare the bonds. The seal of the unit must be impressed on the bonds,  
 22 or a facsimile of the seal must be printed on the bonds.

23 (e) The bonds shall be executed by the city executive and attested  
 24 by the fiscal officer. The interest coupons, if any, shall be executed by  
 25 the facsimile signature of the fiscal officer.

26 (f) The bonds are exempt from taxation as provided by IC 6-8-5.

27 (g) The city fiscal officer shall sell the bonds according to law.  
 28 Notwithstanding IC 36-3-5-8, bonds payable solely or in part from tax  
 29 proceeds allocated under section 26(b)(2) of this chapter or other  
 30 revenues of the district may be sold at private negotiated sale and at a  
 31 price or prices not less than ninety-seven percent (97%) of the par  
 32 value.

33 (h) The bonds are not a corporate obligation of the city but are an  
 34 indebtedness of the redevelopment district. The bonds and interest are  
 35 payable:

- 36 (1) from a special tax levied upon all of the property in the  
 37 redevelopment district, as provided by section 19 of this chapter;
- 38 (2) from the tax proceeds allocated under section 26(b)(2) of this  
 39 chapter;
- 40 (3) from other revenues available to the commission; or
- 41 (4) from a combination of the methods stated in subdivisions (1)  
 42 through (3);

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1 and from any revenues of the designated project. If the bonds are  
 2 payable solely from the tax proceeds allocated under section 26(b)(2)  
 3 of this chapter, other revenues of the redevelopment commission, or  
 4 any combination of these sources, they may be issued in any amount  
 5 without limitation.

6 (i) Proceeds from the sale of the bonds may be used to pay the cost  
 7 of interest on the bonds for a period not to exceed five (5) years from  
 8 the date of issue.

9 (j) Notwithstanding IC 36-3-5-8, the laws relating to:

10 (1) the filing of petitions requesting the issuance of bonds; and

11 (2) the right of taxpayers to:

12 (A) remonstrate against the issuance of bonds; or

13 (B) **vote on the proposed issuance of bonds in an election**  
 14 **on a local public question;**

15 applicable to bonds issued under this chapter do not apply to bonds  
 16 payable solely or in part from tax proceeds allocated under section  
 17 26(b)(2) of this chapter, other revenues of the commission, or any  
 18 combination of these sources.

19 (k) If bonds are issued under this chapter that are payable solely or  
 20 in part from revenues to the commission from a project or projects, the  
 21 commission may adopt a resolution or trust indenture or enter into  
 22 covenants as is customary in the issuance of revenue bonds. The  
 23 resolution or trust indenture may pledge or assign the revenues from  
 24 the project or projects, but may not convey or mortgage any project or  
 25 parts of a project. The resolution or trust indenture may also contain  
 26 any provisions for protecting and enforcing the rights and remedies of  
 27 the bond owners as may be reasonable and proper and not in violation  
 28 of law, including covenants setting forth the duties of the commission.  
 29 The commission may establish fees and charges for the use of any  
 30 project and covenant with the owners of any bonds to set those fees and  
 31 charges at a rate sufficient to protect the interest of the owners of the  
 32 bonds. Any revenue bonds issued by the commission that are payable  
 33 solely from revenues of the commission must contain a statement to  
 34 that effect in the form of bond.

35 SECTION 29. IC 36-7-15.1-45, AS AMENDED BY P.L.185-2005,  
 36 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2007]: Sec. 45. (a) In addition to other methods of raising  
 38 money for property acquisition or redevelopment in a redevelopment  
 39 project area, and in anticipation of the special tax to be levied under  
 40 section 50 of this chapter, the taxes allocated under section 53 of this  
 41 chapter, or other revenues of the redevelopment district, a commission  
 42 may, by resolution, issue the bonds of its redevelopment district in the

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1 name of the excluded city. The amount of the bonds may not exceed  
 2 the total, as estimated by the commission, of all expenses reasonably  
 3 incurred in connection with the acquisition and redevelopment of the  
 4 property, including:

5 (1) the total cost of all land, rights-of-way, and other property to  
 6 be acquired and redeveloped;

7 (2) all reasonable and necessary architectural, engineering, legal,  
 8 financing, accounting, advertising, bond discount, and  
 9 supervisory expenses related to the acquisition and redevelopment  
 10 of the property or the issuance of bonds;

11 (3) capitalized interest permitted in this chapter and a debt service  
 12 reserve for the bonds, to the extent that the redevelopment  
 13 commission determines that a reserve is reasonably required;

14 (4) the total cost of all clearing and construction work provided  
 15 for in the resolution; and

16 (5) expenses that the commission is required or permitted to pay  
 17 under IC 8-23-17.

18 (b) If a commission plans to acquire different parcels of land or let  
 19 different contracts for redevelopment work at approximately the same  
 20 time, whether under one (1) or more resolutions, a commission may  
 21 provide for the total cost in one (1) issue of bonds.

22 (c) The bonds must be dated as set forth in the bond resolution and  
 23 negotiable subject to the requirements concerning registration of the  
 24 bonds. The resolution authorizing the bonds must state:

25 (1) the denominations of the bonds;

26 (2) the place or places at which the bonds are payable; and

27 (3) the term of the bonds, which may not exceed fifty (50) years.

28 The resolution may also state that the bonds are redeemable before  
 29 maturity with or without a premium, as determined by the commission.

30 (d) The commission shall certify a copy of the resolution authorizing  
 31 the bonds to the fiscal officer of the excluded city, who shall then  
 32 prepare the bonds. The seal of the unit must be impressed on the bonds,  
 33 or a facsimile of the seal must be printed on the bonds.

34 (e) The bonds shall be executed by the excluded city executive and  
 35 attested by the excluded city fiscal officer. The interest coupons, if any,  
 36 shall be executed by the facsimile signature of the excluded city fiscal  
 37 officer.

38 (f) The bonds are exempt from taxation as provided by IC 6-8-5.

39 (g) The excluded city fiscal officer shall sell the bonds according to  
 40 law. Bonds payable solely or in part from tax proceeds allocated under  
 41 section 53(b)(2) of this chapter or other revenues of the district may be  
 42 sold at private negotiated sale and at a price or prices not less than

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1 ninety-seven percent (97%) of the par value.

2 (h) The bonds are not a corporate obligation of the excluded city but  
3 are an indebtedness of the redevelopment district. The bonds and  
4 interest are payable:

5 (1) from a special tax levied upon all of the property in the  
6 redevelopment district, as provided by section 50 of this chapter;

7 (2) from the tax proceeds allocated under section 53(b)(2) of this  
8 chapter;

9 (3) from other revenues available to the commission; or

10 (4) from a combination of the methods described in subdivisions  
11 (1) through (3);

12 and from any revenues of the designated project. If the bonds are  
13 payable solely from the tax proceeds allocated under section 53(b)(2)  
14 of this chapter, other revenues of the redevelopment commission, or  
15 any combination of these sources, they may be issued in any amount  
16 without limitation.

17 (i) Proceeds from the sale of the bonds may be used to pay the cost  
18 of interest on the bonds for a period not to exceed five (5) years from  
19 the date of issue.

20 (j) The laws relating to:

21 (1) the filing of petitions requesting the issuance of bonds; and

22 (2) the right of taxpayers to:

23 (A) remonstrate against the issuance of bonds applicable to  
24 bonds issued under this chapter; or

25 (B) **vote on the proposed issuance of bonds in an election**  
26 **on a local public question;**

27 do not apply to bonds payable solely or in part from tax proceeds  
28 allocated under section 53(b)(2) of this chapter, other revenues of the  
29 commission, or any combination of these sources.

30 (k) If bonds are issued under this chapter that are payable solely or  
31 in part from revenues to a commission from a project or projects, a  
32 commission may adopt a resolution or trust indenture or enter into  
33 covenants as is customary in the issuance of revenue bonds. The  
34 resolution or trust indenture may pledge or assign the revenues from  
35 the project or projects but may not convey or mortgage any project or  
36 parts of a project. The resolution or trust indenture may also contain  
37 any provisions for protecting and enforcing the rights and remedies of  
38 the bond owners as may be reasonable and proper and not in violation  
39 of law, including covenants setting forth the duties of the commission.  
40 The commission may establish fees and charges for the use of any  
41 project and covenant with the owners of bonds to set those fees and  
42 charges at a rate sufficient to protect the interest of the owners of the

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1 bonds. Any revenue bonds issued by the commission that are payable  
2 solely from revenues of the commission must contain a statement to  
3 that effect in the form of bond.

4 SECTION 30. IC 36-7-30-18 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) In addition to  
6 other methods of raising money for property acquisition,  
7 redevelopment, or economic development activities in or directly  
8 serving or benefiting a military base reuse area, and in anticipation of  
9 the taxes allocated under section 25 of this chapter, other revenues of  
10 the district, or any combination of these sources, the reuse authority  
11 may by resolution issue the bonds of the special taxing district in the  
12 name of the unit.

13 (b) The reuse authority shall certify a copy of the resolution  
14 authorizing the bonds to the municipal or county fiscal officer, who  
15 shall then prepare the bonds. The seal of the unit must be impressed on  
16 the bonds, or a facsimile of the seal must be printed on the bonds.

17 (c) The bonds must be executed by the appropriate officer of the  
18 unit, and attested by the unit's fiscal officer.

19 (d) The bonds are exempt from taxation for all purposes.

20 (e) Bonds issued under this section may be sold at public sale in  
21 accordance with IC 5-1-11 or at a negotiated sale.

22 (f) The bonds are not a corporate obligation of the unit but are an  
23 indebtedness of the taxing district. The bonds and interest are payable,  
24 as set forth in the bond resolution of the reuse authority, from any of  
25 the following:

- 26 (1) The tax proceeds allocated under section 25 of this chapter.  
27 (2) Other revenues available to the reuse authority.  
28 (3) A combination of the methods stated in subdivisions (1)  
29 through (2).

30 If the bonds are payable solely from the tax proceeds allocated under  
31 section 25 of this chapter, other revenues of the reuse authority, or any  
32 combination of these sources, the bonds may be issued in any amount  
33 without limitation.

34 (g) Proceeds from the sale of bonds may be used to pay the cost of  
35 interest on the bonds for a period not to exceed five (5) years after the  
36 date of issuance.

37 (h) All laws relating to:

- 38 (1) the filing of petitions requesting the issuance of bonds; and  
39 (2) the right of taxpayers to:  
40 (A) remonstrate against the issuance of bonds; or  
41 (B) vote on the proposed issuance of bonds in an election  
42 on a local public question;

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- 1 do not apply to bonds issued under this chapter.
- 2 (i) If a debt service reserve is created from the proceeds of bonds,  
3 the debt service reserve may be used to pay principal and interest on  
4 the bonds as provided in the bond resolution.
- 5 (j) If bonds are issued under this chapter that are payable solely or  
6 in part from revenues of the reuse authority, the reuse authority may  
7 adopt a resolution or trust indenture or enter into covenants as is  
8 customary in the issuance of revenue bonds. The resolution or trust  
9 indenture may pledge or assign revenues of the reuse authority and  
10 properties becoming available to the reuse authority under this chapter.  
11 The resolution or trust indenture may also contain provisions for  
12 protecting and enforcing the rights and remedies of the bond owners as  
13 may be reasonable and proper and not in violation of law, including a  
14 covenant setting forth the duties of the reuse authority. The reuse  
15 authority may establish fees and charges for the use of any project and  
16 covenant with the owners of any bonds to set the fees and charges at a  
17 rate sufficient to protect the interest of the owners of the bonds.  
18 Revenue bonds issued by the reuse authority that are payable solely  
19 from revenues of the reuse authority shall contain a statement to that  
20 effect in the form of the bond.
- 21 SECTION 31. IC 36-7-30.5-23, AS ADDED BY P.L.203-2005,  
22 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2007]: Sec. 23. (a) In addition to other methods of raising  
24 money for property acquisition, redevelopment, reuse, or economic  
25 development activities in or directly serving or ~~benefitting~~ **benefiting**  
26 a military base development area, and in anticipation of the taxes  
27 allocated under section 30 of this chapter, other revenues of the district,  
28 or any combination of these sources, the development authority may by  
29 resolution issue the bonds of the development authority.
- 30 (b) The secretary-treasurer of the development authority shall  
31 prepare the bonds. The seal of the development authority must be  
32 impressed on the bonds, or a facsimile of the seal must be printed on  
33 the bonds.
- 34 (c) The bonds must be executed by the president of the development  
35 authority and attested by the secretary-treasurer.
- 36 (d) The bonds are exempt from taxation for all purposes.
- 37 (e) Bonds issued under this section may be sold at public sale in  
38 accordance with IC 5-1-11 or at a negotiated sale.
- 39 (f) The bonds are not a corporate obligation of a unit but are an  
40 indebtedness of only the development authority. The bonds and interest  
41 are payable, as set forth in the bond resolution of the development  
42 authority, from any of the following:

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- 1 (1) The tax proceeds allocated under section 30 of this chapter.
- 2 (2) Other revenues available to the development authority.
- 3 (3) A combination of the methods stated in subdivisions (1)
- 4 through (2).

5 The bonds issued under this section may be issued in any amount  
6 without limitation.

7 (g) Proceeds from the sale of bonds may be used to pay the cost of  
8 interest on the bonds for a period not to exceed five (5) years after the  
9 date of issuance.

10 (h) All laws relating to:

- 11 (1) the filing of petitions requesting the issuance of bonds; and
- 12 (2) the right of taxpayers to:
  - 13 (A) remonstrate against the issuance of bonds; or
  - 14 (B) **vote on the proposed issuance of bonds in an election**
  - 15 **on a local public question;**

16 do not apply to bonds issued under this chapter.

17 (i) If a debt service reserve is created from the proceeds of bonds,  
18 the debt service reserve may be used to pay principal and interest on  
19 the bonds as provided in the bond resolution.

20 (j) If bonds are issued under this chapter that are payable solely or  
21 in part from revenues of the development authority, the development  
22 authority may adopt a resolution or trust indenture or enter into  
23 covenants as is customary in the issuance of revenue bonds. The  
24 resolution or trust indenture may pledge or assign revenues of the  
25 development authority and properties becoming available to the  
26 development authority under this chapter. The resolution or trust  
27 indenture may also contain provisions for protecting and enforcing the  
28 rights and remedies of the bond owners as may be reasonable and  
29 proper and not in violation of law, including a covenant setting forth  
30 the duties of the development authority. The development authority  
31 may establish fees and charges for the use of any project and covenant  
32 with the owners of any bonds to set the fees and charges at a rate  
33 sufficient to protect the interest of the owners of the bonds. Revenue  
34 bonds issued by the development authority that are payable solely from  
35 revenues of the development authority shall contain a statement to that  
36 effect in the form of the bond.

37 SECTION 32. IC 36-9-3-31 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 31. (a) This section  
39 applies to an authority that includes a county having a population of  
40 more than four hundred thousand (400,000) but less than seven  
41 hundred thousand (700,000).

42 (b) The authority may issue revenue or general obligation bonds

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1 under this section.

2 (c) The board may issue revenue bonds of the authority for the  
3 purpose of procuring money to pay the cost of acquiring real or  
4 personal property for the purpose of this chapter. The issuance of bonds  
5 must be authorized by resolution of the board and approved by the  
6 county fiscal bodies of the counties in the authority before issuance.  
7 The resolution must provide for the amount, terms, and tenor of the  
8 bonds, and for the time and character of notice and mode of making  
9 sale of the bonds.

10 (d) The bonds are payable at the times and places determined by the  
11 board, but they may not run more than thirty (30) years after the date  
12 of their issuance and must be executed in the name of the authority by  
13 an authorized officer of the board and attested by the secretary. The  
14 interest coupons attached to the bonds may be executed by placing on  
15 them the facsimile signature of the authorized officer of the board.

16 (e) The president of the authority shall manage and supervise the  
17 preparation, advertisement, and sale of the bonds, subject to the  
18 authorizing ordinance. Before the sale of bonds, the president shall  
19 cause notice of the sale to be published in accordance with IC 5-3-1,  
20 setting out the time and place where bids will be received, the amount  
21 and maturity dates of the issue, the maximum interest rate, and the  
22 terms and conditions of sale and delivery of the bonds. The bonds shall  
23 be sold in accordance with IC 5-1-11. After the bonds have been  
24 properly sold and executed, the executive director or president shall  
25 deliver them to the controller of the authority and take a receipt for  
26 them, and shall certify to the treasurer the amount that the purchaser is  
27 to pay, together with the name and address of the purchaser. On  
28 payment of the purchase price, the controller shall deliver the bonds to  
29 the purchaser, and the controller and executive director or president  
30 shall report their actions to the board.

31 (f) General obligation bonds issued under this section are subject to  
32 the provisions of IC 5-1 and IC 6-1.1-20 relating to **the following:**

- 33 (1) The filing of a petition requesting the issuance of bonds.  
34 (2) The appropriation of the proceeds of bonds.  
35 (3) The right of taxpayers to appeal and be heard on the proposed  
36 appropriation.  
37 (4) The approval of the appropriation by the department of local  
38 government finance.  
39 (5) The right of taxpayers to:  
40 (A) remonstrate against the issuance of bonds; ~~and or~~  
41 (B) **vote on the proposed issuance of bonds in an election**  
42 **on a local public question.**

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1           **(6)** The sale of bonds for not less than their par value.

2           (g) Notice of the filing of a petition requesting the issuance of

3 bonds, notice of determination to issue bonds, and notice of the

4 appropriation of the proceeds of the bonds shall be given by posting in

5 the offices of the authority for a period of one (1) week and by

6 publication in accordance with IC 5-3-1.

7           (h) The bonds are not a corporate indebtedness of any unit, but are

8 an indebtedness of the authority as a municipal corporation. A suit to

9 question the validity of the bonds issued or to prevent their issuance

10 may not be instituted after the date set for sale of the bonds, and after

11 that date the bonds may not be contested for any cause.

12           (i) The bonds issued under this section and the interest on them are

13 exempt from taxation for all purposes except the financial institutions

14 tax imposed under IC 6-5.5 or a state inheritance tax imposed under

15 IC 6-4.1.

16           SECTION 33. IC 36-9-4-45 IS AMENDED TO READ AS

17 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 45. (a) Bonds issued

18 under this chapter:

19           (1) shall be issued in the denomination;

20           (2) are payable over a period not to exceed thirty (30) years from

21 the date of the bonds; and

22           (3) mature;

23 as determined by the ordinance authorizing the bond issue.

24           (b) All bonds issued under this chapter, the interest on them, and the

25 income from them are exempt from taxation to the extent provided by

26 IC 6-8-5-1.

27           (c) The provisions of IC 6-1.1-20 relating to:

28           **(1)** filing petitions requesting the issuance of bonds and giving

29 notice of those petitions;

30           **(2)** giving notice of a hearing on the appropriation of the proceeds

31 of the bonds;

32           **(3)** the right of taxpayers to appear and be heard on the proposed

33 appropriation;

34           **(4)** the approval of the appropriation by the department of local

35 government finance; and

36           **(5)** the right of taxpayers to:

37                   **(A)** remonstrate against the issuance of bonds; **or**

38                   **(B) vote on the proposed issuance of bonds in an election**

39                   **on a local public question;**

40 apply to the issuance of bonds under this chapter.

41           (d) A suit to question the validity of bonds issued under this chapter

42 or to prevent their issue and sale may not be instituted after the date set

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1 for the sale of the bonds, and the bonds are incontestable after that date.

2 SECTION 34. IC 36-10-3-24 IS AMENDED TO READ AS  
 3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) In order to raise  
 4 money to pay for land to be acquired for any of the purposes named in  
 5 this chapter, to pay for an improvement authorized by this chapter, or  
 6 both, and in anticipation of the special benefit tax to be levied as  
 7 provided in this chapter, the board shall cause to be issued, in the name  
 8 of the unit, the bonds of the district. The bonds may not exceed in  
 9 amount the total cost of all land to be acquired and all improvements  
 10 described in the resolution, including all expenses necessarily incurred  
 11 in connection with the proceedings, together with a sum sufficient to  
 12 pay the costs of supervision and inspection during the period of  
 13 construction of a work. The expenses to be covered in the bond issue  
 14 include all expenses of every kind actually incurred preliminary to  
 15 acquiring the land and the construction of the work, such as the cost of  
 16 the necessary record, engineering expenses, publication of notices,  
 17 preparation of bonds, and other necessary expenses. If more than one  
 18 (1) resolution or proceeding of the board under section 23 of this  
 19 chapter is confirmed whereby different parcels of land are to be  
 20 acquired, or more than one (1) contract for work is let by the board at  
 21 approximately the same time, the cost involved under all of the  
 22 resolutions and proceedings may be included in one (1) issue of bonds.

23 (b) The bonds may be issued in any denomination not less than one  
 24 thousand dollars (\$1,000) each, in not less than five (5) nor more than  
 25 forty (40) annual series. The bonds are payable one (1) series each  
 26 year, beginning at a date after the receipt of taxes from a levy made for  
 27 that purpose. The bonds are negotiable. The bonds may bear interest at  
 28 any rate, payable semiannually. After adopting a resolution ordering  
 29 bonds, the board shall certify a copy of the resolution to the unit's fiscal  
 30 officer. The fiscal officer shall prepare the bonds, and the unit's  
 31 executive shall execute them, attested by the fiscal officer.

32 (c) The bonds and the interest on them are exempt from taxation as  
 33 prescribed by IC 6-8-5-1. Bonds issued under this section are subject  
 34 to the provisions of IC 5-1 and IC 6-1.1-20 relating to:

- 35 (1) the filing of a petition requesting the issuance of bonds;  
 36 (2) the right of taxpayers to:  
 37 (A) remonstrate against the issuance of bonds; or  
 38 (B) **vote on the proposed issuance of bonds in an election**  
 39 **on a local public question;**  
 40 (3) the appropriation of the proceeds of the bonds and approval by  
 41 the department of local government finance; and  
 42 (4) the sale of bonds at public sale for not less than their par

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1 value.  
 2 (d) The board may not have bonds of the district issued under this  
 3 section that are payable by special taxation when the total issue for that  
 4 purpose, including the bonds already issued or to be issued, exceeds  
 5 two percent (2%) of the adjusted value of the taxable property in the  
 6 district as determined under IC 36-1-15. All bonds or obligations  
 7 issued in violation of this subsection are void. The bonds are not  
 8 obligations or indebtedness of the unit, but constitute an indebtedness  
 9 of the district as a special taxing district. The bonds and interest are  
 10 payable only out of a special tax levied upon all the property of the  
 11 district as prescribed by this chapter. The bonds must recite the terms  
 12 upon their face, together with the purposes for which they are issued.

13 SECTION 35. IC 36-10-4-35 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 35. (a) In order to pay  
 15 for:

16 (1) land to be acquired for any of the purposes of this chapter;  
 17 (2) an improvement authorized by this chapter; or  
 18 (3) both;  
 19 the board shall issue the bonds of the district in the name of the city in  
 20 anticipation of the special benefits tax to be levied under this chapter.  
 21 The amount of the bonds may not exceed the estimated cost of all land  
 22 to be acquired and the estimated cost of all improvements provided in  
 23 the resolution, including all expenses necessarily incurred in the  
 24 proceedings and a sum sufficient to pay the estimated costs of  
 25 supervision and inspection during the period of construction. Expenses  
 26 include all expenses actually incurred preliminary to acquisition of the  
 27 land and the construction work, such as the estimated cost of the  
 28 necessary record, engineering expenses, publication of notices,  
 29 preparation of bonds, and other expenses necessary to letting the  
 30 contract and selling the bonds.

31 (b) The total amount of any benefits that have been assessed by the  
 32 board and confirmed against lots and parcels of land, exclusive of  
 33 improvements, lying within two thousand (2,000) feet on either side of  
 34 the land to be acquired or of the improvement, however, shall be  
 35 deducted from the estimated cost.

36 (c) If more than one (1) resolution or proceeding of the board under  
 37 section 25 of this chapter is confirmed whereby different parcels of  
 38 land are to be acquired or more than one (1) contract for work is let by  
 39 the board at approximately the same time, the estimated cost involved  
 40 under all of the resolutions and proceedings may be contained in one  
 41 (1) issue of bonds.

42 (d) The bonds shall be issued in any denomination up to five

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1 thousand dollars (\$5,000) each. The bonds are negotiable instruments  
 2 and bear interest at a rate established by the board and approved by the  
 3 city legislative body.

4 (e) After adopting a resolution ordering the bonds, the board shall  
 5 certify a copy of the resolution to the fiscal officer of the city. The  
 6 fiscal officer shall then prepare the bonds, which shall be executed by  
 7 the city executive and attested by the fiscal officer. The bonds are  
 8 exempt from taxation for all purposes and are subject to IC 6-1.1-20  
 9 concerning:

10 (1) the filing of a petition requesting the issuance of bonds; and

11 (2) the right of taxpayers to:

12 (A) remonstrate against the issuance of bonds; or

13 (B) **vote on the proposed issuance of bonds in an election**  
 14 **on a local public question.**

15 (f) All bonds shall be sold at not less than par value plus accrued  
 16 interest to date of delivery by the city fiscal officer to the highest bidder  
 17 after giving notice of the sale of the bonds by publication in accordance  
 18 with IC 5-3-1.

19 (g) The bonds are subject to approval by the city legislative body,  
 20 in the manner it prescribes by ordinance or resolution.

21 (h) The bonds are not corporate obligations or indebtedness of the  
 22 city, but are an indebtedness of the district as a special taxing district.  
 23 The bonds and interest are payable only out of a special tax levied upon  
 24 all property of the district. The bonds must recite these terms upon their  
 25 face, together with the purposes for which they are issued.

26 (i) An action to question the validity of bonds of the district or to  
 27 prevent their issue may not be brought after the date set for the sale of  
 28 the bonds.

29 (j) The board may, instead of selling the bonds in series, sell the  
 30 bonds to run for a period of five (5) years from the date of issue for the  
 31 purposes of this chapter at any rate of interest payable semiannually,  
 32 also exempt from taxation for all purposes. The board may sell bonds  
 33 in series to refund the five (5) year bonds.

34 SECTION 36. IC 36-10-7.5-22 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) To raise money  
 36 to pay for land to be acquired for any of the purposes named in this  
 37 chapter or to pay for an improvement authorized by this chapter and in  
 38 anticipation of the special benefit tax to be levied as provided in this  
 39 chapter, the legislative body shall issue in the name of the township the  
 40 bonds of the district. The bonds may not exceed in amount the total  
 41 cost of all land to be acquired and all improvements described in the  
 42 resolution, including all expenses necessarily incurred in connection

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1 with the proceedings, together with a sum sufficient to pay the costs of  
 2 supervision and inspection during the period of construction of a work.  
 3 The expenses to be covered in the bond issue include all expenses of  
 4 every kind actually incurred preliminary to acquiring the land and the  
 5 construction of the work, such as the cost of the necessary record,  
 6 engineering expenses, publication of notices, preparation of bonds, and  
 7 other necessary expenses. If more than one (1) resolution or proceeding  
 8 of the legislative body under this chapter is confirmed whereby  
 9 different parcels of land are to be acquired or more than one (1)  
 10 contract for work is let by the executive at approximately the same  
 11 time, the cost involved under all of the resolutions and proceedings  
 12 may be included in one (1) issue of bonds.

13 (b) The bonds may be issued in any denomination not less than one  
 14 thousand dollars (\$1,000) each, in not less than five (5) nor more than  
 15 forty (40) annual series. The bonds are payable one (1) series each  
 16 year, beginning at a date after the receipt of taxes from a levy made for  
 17 that purpose. The bonds are negotiable. The bonds may bear interest at  
 18 any rate, payable semiannually. After adopting a resolution ordering  
 19 bonds, the legislative body shall certify a copy of the resolution to the  
 20 township's fiscal officer. The fiscal officer shall prepare the bonds, and  
 21 the executive shall execute the bonds, attested by the fiscal officer.

22 (c) The bonds and the interest on the bonds are exempt from  
 23 taxation as prescribed by IC 6-8-5-1. Bonds issued under this section  
 24 are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to:

- 25 (1) the filing of a petition requesting the issuance of bonds;
- 26 (2) the right of taxpayers to:
  - 27 (A) remonstrate against the issuance of bonds; or
  - 28 (B) **vote on the proposed issuance of bonds in an election**
  - 29 **on a local public question;**
- 30 (3) the appropriation of the proceeds of the bonds with the
- 31 approval of the department of local government finance; and
- 32 (4) the sale of bonds at public sale for not less than the par value
- 33 of the bonds.

34 (d) The legislative body may not have bonds of the district issued  
 35 under this section that are payable by special taxation when the total  
 36 issue for that purpose, including the bonds already issued or to be  
 37 issued, exceeds two percent (2%) of the total adjusted value of the  
 38 taxable property in the district as determined under IC 36-1-15. All  
 39 bonds or obligations issued in violation of this subsection are void. The  
 40 bonds are not obligations or indebtedness of the township but constitute  
 41 an indebtedness of the district as a special taxing district. The bonds  
 42 and interest are payable only out of a special tax levied upon all the

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1 property of the district as prescribed by this chapter. A bond must  
 2 recite the terms upon the face of the bond, together with the purposes  
 3 for which the bond is issued.

4 SECTION 37. IC 36-10-8-16 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) A capital  
 6 improvement may be financed in whole or in part by the issuance of  
 7 general obligation bonds of the county or, if the authority was created  
 8 under IC 18-7-18 (before its repeal on February 24, 1982), also of the  
 9 city, if the board determines that the estimated annual net income of the  
 10 capital improvement, plus the estimated annual tax revenues to be  
 11 derived from any tax revenues made available for this purpose, will not  
 12 be sufficient to satisfy and pay the principal of and interest on all bonds  
 13 issued under this chapter, including the bonds then proposed to be  
 14 issued.

15 (b) If the board desires to finance a capital improvement in whole  
 16 or in part as provided in this section, it shall have prepared a resolution  
 17 to be adopted by the county executive authorizing the issuance of  
 18 general obligation bonds, or, if the authority was created under  
 19 IC 18-7-18 (before its repeal on February 24, 1982), by the fiscal body  
 20 of the city authorizing the issuance of general obligation bonds. The  
 21 resolution must set forth an itemization of the funds and assets received  
 22 by the board, together with the board's valuation and certification of the  
 23 cost. The resolution must state the date or dates on which the principal  
 24 of the bonds is payable, the maximum interest rate to be paid, and the  
 25 other terms upon which the bonds shall be issued. The board shall  
 26 submit the proposed resolution to the proper officers, together with a  
 27 certificate to the effect that the issuance of bonds in accordance with  
 28 the resolution will be in compliance with this section. The certificate  
 29 must also state the estimated annual net income of the capital  
 30 improvement to be financed by the bonds, the estimated annual tax  
 31 revenues, and the maximum amount payable in any year as principal  
 32 and interest on the bonds issued under this chapter, including the bonds  
 33 proposed to be issued, ~~as~~ at the maximum interest rate set forth in the  
 34 resolution. The bonds issued may mature over a period not exceeding  
 35 forty (40) years from the date of issue.

36 (c) Upon receipt of the resolution and certificate, the proper officers  
 37 may adopt them and take all action necessary to issue the bonds in  
 38 accordance with the resolution. An action to contest the validity of  
 39 bonds issued under this section may not be brought after the fifteenth  
 40 day following the receipt of bids for the bonds.

41 (d) The provisions of all general statutes relating to:

42 (1) the filing of a petition requesting the issuance of bonds and

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- 1 giving notice;
- 2 (2) the right of taxpayers to:
- 3 (A) remonstrate against the issuance of bonds; or
- 4 (B) **vote on the proposed issuance of bonds in an election**
- 5 **on a local public question;**
- 6 (3) the giving of notice of the determination to issue bonds;
- 7 (4) the giving of notice of a hearing on the appropriation of the
- 8 proceeds of bonds;
- 9 (5) the right of taxpayers to appear and be heard on the proposed
- 10 appropriation;
- 11 (6) the approval of the appropriation by the department of local
- 12 government finance; and
- 13 (7) the sale of bonds at public sale;

14 apply to the issuance of bonds under this section.

15 SECTION 38. IC 36-10-9-15 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec.15. (a) A capital  
17 improvement may be financed in whole or in part by the issuance of  
18 general obligation bonds of the county.

19 (b) If the board desires to finance a capital improvement in whole  
20 or in part as provided in this section, it shall have prepared a resolution  
21 to be adopted by the board of commissioners of the county authorizing  
22 the issuance of general obligation bonds. The resolution must state the  
23 date or dates on which the principal of the bonds is payable, the  
24 maximum interest rate to be paid, and the other terms upon which the  
25 bonds shall be issued. The board shall submit the proposed resolution  
26 to the board of commissioners of the county, together with a certificate  
27 to the effect that the issuance of bonds in accordance with the  
28 resolution will be in compliance with this section. The certificate must  
29 also state the estimated annual net income of the capital improvement  
30 to be financed by the bonds, the estimated annual tax revenues, and the  
31 maximum amount payable in any year as principal and interest on the  
32 bonds issued under this chapter, including the bonds proposed to be  
33 issued, at the maximum interest rate set forth in the resolution. The  
34 bonds issued may mature over a period not exceeding forty (40) years  
35 from the date of issue.

36 (c) Upon receipt of the resolution and certificate, the board of  
37 commissioners of the county may adopt them and take all action  
38 necessary to issue the bonds in accordance with the resolution. An  
39 action to contest the validity of bonds issued under this section may not  
40 be brought after the fifteenth day following the receipt of bids for the  
41 bonds.

42 (d) The provisions of all general statutes relating to:

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- 1 (1) the filing of a petition requesting the issuance of bonds and
- 2 giving notice;
- 3 (2) the right of taxpayers to:
- 4 (A) remonstrate against the issuance of bonds; or
- 5 (B) **vote on the proposed issuance of bonds in an election**
- 6 **on a local public question;**
- 7 (3) the giving of notice of the determination to issue bonds;
- 8 (4) the giving of notice of a hearing on the appropriation of the
- 9 proceeds of bonds;
- 10 (5) the right of taxpayers to appear and be heard on the proposed
- 11 appropriation;
- 12 (6) the approval of the appropriation by the department of local
- 13 government finance; and
- 14 (7) the sale of bonds at public sale for not less than par value;
- 15 are applicable to the issuance of bonds under this section.

16 SECTION 39. [EFFECTIVE JULY 1, 2007] **IC 6-1.1-20-1.1, as**  
 17 **amended by this act, applies to a preliminary determination made**  
 18 **after June 30, 2007, by a political subdivision to issue bonds or**  
 19 **enter into a lease.**

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